

The PRESIDENT pro tempore. Does the manager on the part of the House desire that the order for attachment be vacated?

Mr. Manager CLAYTON. I ask that that be the course pursued.

The PRESIDENT pro tempore. The order for the attachment will, under the circumstances, be vacated, unless there be objection. The Chair hears no objection, and it is so ordered.

Mr. CLARK of Wyoming. Mr. President, I offer the order I send to the desk.

The Secretary read as follows:

*Ordered*, That the daily sessions of the Senate, sitting in the trial of impeachment of Robert W. Archbald, shall until otherwise ordered commence at 1 o'clock and 30 minutes in the afternoon and continue until 6 o'clock in the afternoon of each day.

The PRESIDENT pro tempore. Is there objection on the part of any Senator to the adoption of the order? If not, the Chair will consider it as having been unanimously adopted.

Mr. CLARK of Wyoming. I move that the Senate sitting as a Court of Impeachment adjourn.

The motion was agreed to.

The managers on the part of the House of Representatives, the respondent, and the counsel for the respondent retired from the Chamber.

#### DEATH OF REPRESENTATIVE CARL CAREY ANDERSON.

Mr. POMERENE. Mr. President, I ask that the resolutions of the House on the death of my late colleague in that body be laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate resolutions of the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES,  
December 2, 1912.

#### House resolution 713.

*Resolved*, That the House has heard with profound sorrow of the death of the Hon. CARL CAREY ANDERSON, a Representative from the State of Ohio.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Mr. POMERENE. Mr. President, I offer the following resolution and ask for its adoption.

The PRESIDENT pro tempore. The resolution will be read. The resolution was read, considered by unanimous consent, and unanimously agreed to, as follows:

#### Senate resolution 403.

*Resolved*, That the Senate has heard with deep sensibility the announcement of the death of the Hon. CARL CAREY ANDERSON, late a Representative from the State of Ohio.

#### DEATH OF REPRESENTATIVE GEORGE HERBERT UTTER.

Mr. WETMORE. I ask the Chair to lay before the Senate the resolutions of the other House on the death of Representative UTTER, of Rhode Island.

The PRESIDENT pro tempore. The Chair lays before the Senate resolutions of the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES,  
December 2, 1912.

#### House resolution 714.

*Resolved*, That the House has heard with profound sorrow of the death of Hon. GEORGE HERBERT UTTER, late a Member of the House from the State of Rhode Island.

*Resolved*, That the Clerk of the House be directed to transmit a copy of these resolutions to the Senate and send a copy thereof to the family of the deceased.

Mr. WETMORE. Mr. President, I offer the following resolutions, and ask for their adoption.

The PRESIDENT pro tempore. The Senator from Rhode Island offers resolutions, which will be read.

The resolutions were read, considered by unanimous consent, and unanimously agreed to, as follows:

#### Senate resolution 401.

*Resolved*, That the Senate has heard with profound sorrow the announcement of the death of Hon. GEORGE H. UTTER, late a Representative from the State of Rhode Island.

*Resolved*, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

#### DEATH OF REPRESENTATIVE RICHARD E. CONNELL.

Mr. ROOT. Mr. President, I ask that the resolutions of the House of Representatives on the death of the late Representative CONNELL may be laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate resolutions of the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES,  
December 2, 1912.

#### House resolution 716.

*Resolved*, That the House of Representatives has heard with profound sorrow of the death of the Hon. RICHARD E. CONNELL, late a Representative from the State of New York.

*Resolved*, That the Clerk be directed to communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Mr. ROOT. Mr. President, I offer the following resolutions which I send to the desk, and ask for their present consideration.

The PRESIDENT pro tempore. The Senator from New York offers resolutions, which will be read.

The resolutions were read, considered by unanimous consent, and unanimously agreed to, as follows:

#### Senate resolution 402.

*Resolved*, That the Senate has heard with deep sensibility the announcement of the death of Hon. RICHARD E. CONNELL, late a Representative from the State of New York.

*Resolved*, That as a further mark of respect to the memory of those Representatives whose deaths have been announced the Senate do now adjourn.

Thereupon (at 6 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Friday, December 6, 1912, at 12 o'clock m.

## HOUSE OF REPRESENTATIVES.

THURSDAY, December 5, 1912.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord, our God, we come to Thee with glad hearts when we remember that amid the busy whirl and turmoil of life's activities we oftentimes forget Thee, yet Thou art ever mindful of us, and though by devious ways we oftentimes wander from the paths of rectitude and duty Thou art constant in Thy ministrations to us.

Pardon, we beseech Thee, our shortcomings, our weakness, our sins, and hold us close to Thee and life's duties henceforth. And Thine be the praise forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

#### LEAVE OF ABSENCE.

Mr. BROWN, by unanimous consent, was granted leave of absence for three days, on account of illness.

#### PHYSICAL VALUATION OF RAILROADS.

The SPEAKER. When the House adjourned last Tuesday the previous question had been ordered on the bill H. R. 22593, known as the Adamson bill, providing for the physical valuation of railroads, and there was pending a motion to recommit with instructions, offered by the gentleman from Illinois [Mr. MANN], and the gentleman from Tennessee [Mr. SIMS] raised a point of order that the motion to recommit was not in order because it was not germane to the subject matter of the bill.

Unless some gentleman desires to be heard on it, the Chair is ready to rule.

Mr. OLMSTED. Mr. Speaker—

The SPEAKER. The gentleman from Pennsylvania [Mr. OLMSTED] is recognized.

Mr. OLMSTED. Mr. Speaker, so far as I am concerned, I concede at once the high authority of the precedent cited by the gentleman from New York [Mr. FITZGERALD] in support of the proposition that it is not sufficient for the amendment to be germane to the original bill to which this bill is offered as an amendment, but it must be germane to this pending bill. The question is whether this amendment is germane to this bill.

I call attention to page 386, section 780, of the Manual, which treats of the whole subject in this way:

A general subject may be amended by specific propositions of the same class. Thus, the following have been held to be germane: To a bill admitting several Territories into the Union, an amendment adding another Territory; to a bill providing for the construction of buildings in each of two cities, an amendment providing for similar buildings in several other cities; to a resolution embodying two distinct phases of international relationship, an amendment embodying a third.

In section 5838, volume 5, of Hinds' Precedents of the House of Representatives appears a ruling that—

To a bill admitting several Territories into the Union, an amendment adding another Territory is germane.

And, then, in the next section—5839—it says:

To a resolution embodying two distinct phases of international relationship an amendment embodying a third was held to be germane.

There was pending in that case a resolution setting forth that it was an imperative duty, in the interest of humanity, to ex-

press the earnest hope that the European concert would do certain things in relation to the fanaticism and lawless violence prevalent in Turkey. The resolution then pending combined three resolutions in one. The first one was as I have stated. The second was—

That the President be requested to communicate these resolutions to the Governments of Great Britain, Germany, Austria, France, Italy, and Russia.

And, further:

That the Senate of the United States, the House of Representatives concurring, will support the President in the most vigorous action he may take for the protection and security of American citizens in Turkey.

Then Mr. Hepburn, of Iowa, offered an amendment, as follows:

That, for the purpose of emphasizing our protest against the murders and outrages above recited, the President is directed to furnish the Turkish minister his dismissal as a representative of the Sultan at this Capital, and to at once terminate all diplomatic relations with the Government of Turkey.

That was an entirely new, a different, and distinct subject.

A point of order was made against it by Mr. McCreary, of Kentucky, which was overruled by Speaker Reed, presumably upon the same ground as these other cases to which I have referred were ruled, that such resolution embracing more than one subject it was germane to add still another subject.

Then, in section 5840 it was held that to a bill providing for the construction of a building in each of two cities an amendment providing for similar buildings in other cities would be germane. That was decided longer ago by Speaker Banks, of Massachusetts.

Now, the question, it seems to me, is whether this pending bill contains more than one subject, more than one substantive proposition. If it does, then a third or new substantive proposition would be germane and in order under the rulings which I have cited. Does this bill contain more than one substantive proposition?

The SPEAKER. Is that the rule on that—as to the substantive propositions? What is the subject of this Adamson bill?

Mr. OLMSTED. This bill has at least two subjects. The first provides for the physical valuation of the property of common carriers. That is one separate and distinct subject. The Interstate Commerce Commission is to take testimony and determine the value of the property of common carriers. The common carriers may appeal or protest. Then a hearing is awarded upon the protest, and after the hearing the commission is to fix finally the physical value of the property of the common carrier.

That is one proposition. Then the bill contains another. It empowers the commission to investigate as to the amounts and dates of all bonds and stocks outstanding. That is a separate and distinct proposition contained in this bill. The physical valuation of railroads has nothing to do with stocks and bonds, and stocks and bonds have nothing to do with the physical valuation of the railroads. The commission is to find absolutely and determine the value of the physical property; and in addition to that—an entirely separate and distinct proposition—it is to investigate concerning stocks and bonds.

Mr. FITZGERALD. Mr. Speaker, will the gentleman yield for a question?

Mr. OLMSTED. Certainly.

Mr. FITZGERALD. The Adamson bill proposes to add a section to the existing law, and in this section is embraced a scheme which is considered essential in order to enable the Interstate Commerce Commission properly to determine whether the rates are reasonable. They are parts of one scheme, and not two independent substantive propositions.

And has not the gentleman, in quoting his authorities, entirely ignored all the decisions, including one by himself, which have established the rule that when a bill proposes to amend an existing law in certain particulars, amendments that might be germane to other provisions of the law but are not intimately related to the thing before the House are not germane to that proposition?

Mr. OLMSTED. No, Mr. Speaker; I have not ignored that proposition. I referred to it particularly at the outset. Perhaps the gentleman from New York was not listening.

Mr. FITZGERALD. I was listening carefully.

Mr. OLMSTED. I admitted that authority in support of the proposition that the proposed amendment must be germane to this bill. I concede that proposition. In fact, as the gentleman from New York has stated, I made such a ruling myself when occupying the chair upon a former occasion. The question is, Does this bill itself contain more than one proposition? Now, does it? First, there is the physical valuation of the property of common carriers to be determined by the Interstate Commerce Commission. That is one thing complete in itself. Then there is a second proposi-

tion, that the Interstate Commerce Commission shall determine as to the amount of bonds outstanding and the names of the stockholders and bondholders, and so forth. The names of the stockholders have nothing to do with the physical valuation of the property of the railroad or with the fixing of rates of that railroad, nor have the names of the bondholders. The commission is instructed to—

find and report the facts as to the connection of any bank or banker, capitalist or association of capitalists, or financial institutions or holding company with the ownership, manipulation, management, or control of any stocks and bonds of any such company.

That has nothing to do with the fixing of rates.

This amendment of the gentleman from Illinois [Mr. MANN] proposes to go further, and after the commission has ascertained these facts about stocks and bonds, provide against the fictitious issue of stocks and bonds in the future—a most important proposition, and, if the gentleman from New York [Mr. FITZGERALD] please, fully as important as touching upon the question of rates as anything involved in this bill or any other bill, because if we stop the fictitious issuance of stocks and bonds and the watering of stocks and bonds we stop the inflation of the capital upon which interest and dividends are paid, and rates must be fixed proportionately. So that even upon that argument this proposition to stop fictitious issuance of stocks and bonds may be held germane.

But what I suggest to the Chair is that this bill already containing two or more propositions, an amendment introducing a still further proposition is in order under the rule.

The SPEAKER. The Chair will ask the gentleman a question. Has this Adamson bill any provision in it whatever about the issuance of bonds and stocks?

Mr. OLMSTED. Not about the issuance of bonds.

The SPEAKER. The Mann amendment has entirely to do with the issuance of bonds and stocks, has it not?

Mr. OLMSTED. Substantially so; yes.

The SPEAKER. Does the gentleman contend that if a bill contains two different substantive propositions, that authorizes a general omnium gatherum of everything that everybody wants put in it on the subject?

Mr. OLMSTED. That is the effect of the rulings which I have cited, particularly the ruling of Mr. Speaker Reed, permitting as germane an amendment canceling the commission of the Turkish ambassador.

The SPEAKER. What was the main proposition in that resolution?

Mr. OLMSTED. It was expressing the sentiments of the Senate and House, deploring the outrages which were being perpetrated in Turkey, and another resolution requiring these sentiments to be expressed to the Governments of Great Britain, France, and other countries; and then an amendment offered by the gentleman from Iowa, Mr. Hepburn, requesting the President to cancel the commission of the Turkish representative at this Capital was declared to be in order.

The SPEAKER. But those things were on the same subject.

Mr. OLMSTED. I think not. There was nothing in the original resolution about the Turkish ambassador, or severing relations with the Turkish Government.

The SPEAKER. The original resolution expressed our horror of the way that the Turks were treating people.

Mr. OLMSTED. That is correct.

The SPEAKER. And the Hepburn amendment simply emphasized our opinion of it by adding something that made it effective.

Mr. OLMSTED. This proposal emphasizes the ascertainment of stocks and bonds and the physical valuation, and gives some effect to this bill by providing against the future issuance of stocks and bonds except under certain conditions. The investigation as to stocks and bonds is already provided for in the bill. The amendment goes a step further in the same direction and makes the bill effective just as the Hepburn amendment made the Turkish resolution effective by the introduction of a new proposition.

Mr. GARRETT. Mr. Speaker, if the gentleman will permit, does not the gentleman from Pennsylvania think that even granting the force of the precedents which he has cited a different philosophy applies to legislation than to the passage of resolutions that have no legal effect?

Mr. OLMSTED. I do not think there is any difference in principle, but I have cited several instances which applied directly to legislation. For instance, if we had here a bill granting a pension to John Smith, simply that and nothing more, an amendment granting a pension to John Jones would be held not to be germane, but if the original bill granted a pension to John Smith and another pension to John Jones, it would be held under the rulings that an amendment to pension also John Williams would be in order.



Mr. SIMS. Will the gentleman yield for a question?

Mr. OLMSTED. Yes.

Mr. SIMS. Suppose that we were back previous to 1860 in this country, and were considering a bill providing for the enumeration of slaves, or telling how they should be enumerated, as an amendment to an act already in existence. Does the gentleman hold that an amendment abolishing slavery would be in order upon such a bill as that?

Mr. OLMSTED. No; because that bill would contain simply one proposition, the enumeration of slaves, and the abolition of slavery would not be germane to a single proposition to take a census of slaves.

Mr. SIMS. And this bill has only one object and purpose, and that is the valuation of railroads. Then admitting that the information authorized to be acquired by ascertaining the amount of outstanding bonds and stocks is germane to ascertaining the value of the property of the railroads, how, then, can a bill proposing to regulate the issuance of stocks and bonds, directed against railroads themselves, be germane to a mere inquiry as to the amount of outstanding bonds?

Mr. OLMSTED. I have tried to explain that this bill contains more than one proposition. It is to a certain extent a general bill. It provides for the physical valuation of railroads. That is one thing that is definite and complete. After that has been provided, it provides for the ascertainment of the names of stockholders and bondholders and the amount of stocks and bonds and all that sort of thing, and the relation of banks to the companies. I submit that under the precedents it is germane to add a provision that, as the result of that investigation, bonds and stocks shall be issued hereafter only on certain conditions and subject to certain limitations, and with the consent of the Interstate Commerce Commission.

Mr. SIMS. Does not the amendment offered in this case have to do with the issuance in future, and not with the fact of how many have already been issued?

Mr. OLMSTED. It does.

Mr. SIMS. How can it be any more germane to the second subject of the bill than to the first?

Mr. OLMSTED. I have tried to explain that when the bill itself contains more than one proposition, under the uniform rulings of different Speakers it is germane to add a new proposition.

Mr. SIMS. To add one that is not germane to any proposition in the bill?

Mr. OLMSTED. It need not be germane to any proposition in the bill. But I submit that this is germane to a proposition in the bill and is on the same subject. If you say all this is to have relation to fixing the rates, nothing is more important in fixing the rates than that there shall be no fictitious issuance of stocks and bonds. I submit these observations for the consideration of the Chair.

Mr. GREEN of Iowa. Mr. Speaker, the gentleman from Illinois, in his remarks upon this point of order day before yesterday, contended, first, that this amendment which he had proposed was in order because it was germane to the act which was proposed to be amended, and, second, because it was germane to the bill which we now have before us.

I shall not discuss the first proposition he advanced, but will speak very briefly indeed in support of the second contention which he made. As has already been stated by the gentleman from Pennsylvania [Mr. OLMSTED], this bill contains two different propositions. The first relates to the physical valuation of railroads and the second relates to the issuance of stocks and bonds. It provides in the most sweeping and specific terms for the investigation into the amount of stocks and bonds that have been issued, the purpose to which the moneys received therefor have been applied, the persons who have been connected with the issuance of stocks and bonds, any manipulation thereof, and the whole history of the transaction; and then it goes further and provides that the railroad corporations themselves must furnish for this purpose, among others, full access to their books, records, papers, documents of all kinds, and further provides that the commission may make rules and regulations for the enforcement of the provisions in this bill.

Now, what is the object of this provision with reference to the amount of stocks and bonds issued here and the manner in which they have been issued? Abstractly considered, neither this House nor any person in the United States cares how much stocks and bonds have been issued in the past. The money has been spent, it has gone, and the liens created must stand and be recognized as valid obligations.

The argument here was when the bill was under discussion that publicity thereby obtained would be a restraining factor in the issuance of stocks and bonds in the future, and in a measure control it.

I wish to go further in my argument and show that the bill undertakes to exercise control over the issuance of stocks and bonds; to go further and show that the amendment offered by the gentleman from Illinois goes further and is relevant to the subject which it seeks to amend, and therefore, in dictionary terms at least, is germane thereto.

As I said, I wish to show that this bill, in fact, provides for the control over the issuance of stocks and bonds. Hereafter, if this bill passes, no stocks and bonds can be issued without the commission has the right to call for and report upon them, without the commission has the right to investigate into the issuance of them and the manner in which the proceeds have been spent. Up to this time, and as a matter of circumstance now, the commission has nothing whatever to do with the issuance of stocks and bonds, except that it may bear in some remote degree on some other question sought to be investigated.

The SPEAKER. The Chair will ask the gentleman from Iowa to point out in the bill anything that has to do with the future issuance of stocks and bonds.

Mr. GREEN of Iowa. If the Chair will pardon me, I did not suppose it would be contended that the matters provided for in this bill with reference to the present stocks and bonds would not apply to stocks and bonds issued in the future.

The SPEAKER. Is there anything in the Adamson bill about the issuance of stocks and bonds? If there is, I wish the gentleman would point it out.

Mr. GREEN of Iowa. In case any stocks and bonds are issued in the future, I hardly think it would be contended that thereupon the Interstate Commerce Commission will not have the right, if the bill passes, to investigate the issuance of stocks and bonds and require the railway company to furnish a full report, and then to make orders, regulations, and rules which will have the force of a law.

Of course, if it is contended here and if the Chair should hold that these provisions with reference to stocks and bonds had application only to stocks and bonds which have been heretofore issued, I shall have to admit that my argument falls to the ground.

Mr. SIMS. It can only have reference to the stocks and bonds outstanding at the time the investigation is made, and could not possibly apply to subsequent stock and bond issues unless there is a subsequent investigation.

Mr. GREEN of Iowa. Will the gentleman from Tennessee say that if this act is passed and stocks and bonds are subsequently issued by railroad companies under and by virtue of this act, the commission will have no right to investigate as to the issuance of those stocks and bonds?

Mr. SIMS. Incidentally to making the physical valuation—

Mr. GREEN of Iowa. But the gentleman is not answering the question at all. The question can be answered by yes or no.

Mr. SIMS. Under this law it does not make any investigation conditional and precedent to the issuance of stocks and bonds.

Mr. GREEN of Iowa. It does not. That is true, but this amendment which is offered by the gentleman from Illinois [Mr. MANN] simply seeks to further control, to exercise a further act of control. This investigation is an act of control over the issuance of stocks and bonds.

Mr. SIMS. Oh, no.

Mr. GREEN of Iowa. It must be, necessarily.

Mr. SIMS. Not at all.

Mr. GREEN of Iowa. And the amendment of the gentleman from Illinois goes only one step further toward the process of controlling it.

Mr. CULLOP. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Iowa. Certainly.

Mr. CULLOP. From the tenor of the gentleman's argument I take it he misapprehends the purpose of the measure. It is for the purpose of changing the method by which freight rates or transportation tolls are now fixed, and it has nothing to do, so far as the amount of overcapitalization or overbonded indebtedness is concerned, with the fixing of rates at all. That is not the subject matter of the bill. It is upon the actual valuation of the physical property and not its capital stock or its bonded indebtedness. That is the purpose and object of the measure, and so far as the bonded indebtedness or capital stock is concerned, if this measure passes, they do not enter into the consideration as an element in the fixing of the transportation tolls in any manner whatever. Therefore, this amendment offered is not germane to either the text or the subject matter of the proposed measure.

The SPEAKER. The Chair would like to ask the gentleman from Indiana a question. His contention in this matter, as I understand it, is that this Adamson bill is solely for the purpose of fixing the physical valuation of railroads and that part



which is in the bill about stocks and bonds is simply to throw light on that subject—

Mr. CULLOP. Only, and for no other purpose.

The SPEAKER. And that the Mann amendment treats with an entirely different subject of controlling the issuance of stocks and bonds.

Mr. CULLOP. That is it exactly. That is my contention and has been all the way through.

Mr. GREEN of Iowa. Mr. Speaker, the remarks of the gentleman from Indiana in the general discussion of the bill are not, so far as I know, yet in the Record; but if I mistake not he, or at least some other gentlemen who were speaking at the time, contended in that discussion that the object and purpose of this provision to which I have alluded was altogether different from what he now sees; and, indeed, how could it be otherwise? What has the amount of stocks and bonds to be issued to do with the physical valuation of a railway or any of its property?

Mr. CULLOP. Mr. Speaker, the gentleman misapprehended my statement of that question if he refers to me. What I said was, if we resorted to the physical valuation of transportation property for the purpose of fixing rates, that as an incidental matter following from that it would destroy as a natural result or consequence the overcapitalization or the making of over-bonded indebtedness in the future, and that it would eliminate that feature as a speculative matter in dealing with these properties on the market. This result will follow as an inevitable conclusion. That was my statement.

Mr. GREEN of Iowa. That is exactly what the gentleman was arguing before.

Mr. CULLOP. It was the effect and not the language that I had in mind.

Mr. GREEN of Iowa. That the purpose and object of these provisions was to prevent overcapitalization and that that would be the effect, and now I think I have shown here by this act of investigation, by this act of summoning as they may the evidence of clerks of the railways, or of any party connected with it, to give information regarding that, to give information with relation to stocks and bonds, they must and do exercise a control over the issuance of them. For that reason the amendment introduced by the gentleman from Illinois is germane.

Mr. STEVENS of Minnesota. Mr. Speaker, before the Chair finally determines the point of order he should have in mind the history of this legislation. The records of the House will show that during the last session the majority of this House directed a general scheme of investigations of alleged wrongdoing of various large business interests of the country, and I think the report of the Committee on Rules on this subject divided the work of investigation among several of the committees of the House, and among them was that the Committee on Interstate and Foreign Commerce should investigate this subject. Different sorts of investigations have been had. I think some are pending, and some very important reports have been made. One of the investigations concerning the financing and issuance of securities by common carriers, as just stated, was directed to be made by the Committee on Interstate and Foreign Commerce, and I think that the report of the Committee on Rules will so show. The records of the Committee on Interstate and Foreign Commerce, which are public and open to inspection, will show that the committee, after some discussion, thought it best to conduct its share of the investigation not by means of summoning witnesses itself to ascertain what facts there were relative to the subject matter and what plans and reports should be made, but by directing the Interstate Commerce Commission itself, which had the experience and the machinery, to make the investigation and to report its views upon the methods to right some of the wrongs which would be shown by such an investigation. The hearings before that committee will show such to be the fact, and in the process of its work the Committee on Interstate and Foreign Commerce had this bill as a basis and measure of some part of what it ought to do. Now, the investigation directed by the House concerned not only the alleged wrongs which had previously existed, but the method and plan of righting those wrongs, in order to properly subserve the welfare of the people, as might be shown by the investigation. So this measure was planned to accomplish these results. The records show it was so reported, and it came before the House to meet the report of the Committee on Rules for such an investigation and the submission of a proper plan for a righting of the different wrongs shown and known to exist in the issuance of securities by common carriers. Now, if the Chair will examine the text of the bill and consider the powers of the Interstate Commerce Commission under it, I think the question he addressed to the gentleman from Iowa [Mr. GREEN] will be answered. On page 2, lines 1 and 2, of the bill:

That the commission shall investigate and ascertain the value of the property.

Of course "property" means not only the physical property but it means every sort of property, and the value is measured not only by the cost of reproduction, not only by the amount that has been expended in its construction, but by the market value as evidenced by the outstanding securities. Now, the other committees, upon their investigations and in their reports, I think, have invariably reported to us some method—at least they reported different means and different plans of legislation by which the alleged wrongs shown by their investigation shall be righted. This bill does exactly that same thing, except we contend that it does not go far enough, but there is enough in the bill as a basis for the legislation which ought to be had, under the investigation ordered by the House, to warrant the amendment of the gentleman from Illinois [Mr. MANN]. In fixing the value of the property, of course, it would include the market value of the stocks and bonds. The bill provides the history of these stocks and bonds shall be investigated and reported, and if evils be disclosed the remedies for those evils should be ascertained and set forth in the legislation, and the remedies can be carried into effect by the very organization, by the very body, provided by this bill to conduct the investigation. The very purpose of the investigation directed by this House, the very purpose of the investigation directed by this measure and by the committee, can not be made fully effective unless by some such amendment as is proposed by the gentleman from Illinois and as was proposed by the minority of the committee in the process of its hearings and consideration. And for that reason the history of the bill shows that the whole subject matter is germane; that it was considered; that this House wanted it so considered; and there is enough in the bill under the common acceptance of construction, under the construction of the courts as to the definition of values, under the language of the bill, to take that additional step and provide a remedy for the wrongs which will be found to exist by the Interstate Commerce Commission in conducting its investigation.

The SPEAKER. The Chair would like to ask the gentleman from Minnesota a question. Now, if that is true—and the Chair has no doubt it is—what is the reason the committee did not report some such proposition as the Mann proposition in the bill?

Mr. STEVENS of Minnesota. The matter was discussed by the committee, Mr. Speaker, and the majority of the committee took the responsibility of reporting the bill in its present form. The records of the committee will show the minority did propose this identical plan suggested by the gentleman from Illinois and the majority, for reasons best known to themselves, refused to consider it.

Mr. FITZGERALD. That hardly has any bearing upon the question of whether the Mann amendment is in order on the pending bill.

Mr. SIMS. Mr. Speaker—

The SPEAKER. The Chair will not bother the gentleman from Tennessee to make an argument on his side.

Mr. SIMS. I was only going to refer to the history to which the gentleman from Minnesota referred.

The SPEAKER. The Chair has investigated the parliamentary phase of this question fully. We have not anything to do here with the merits of the substance of the motion to recommit which was submitted by the gentleman from Illinois [Mr. MANN]. If that proposition were submitted in a bill, or if the Chair thought it was germane, he would be very much in favor of it. It is not necessary in this opinion, but it is stated anyhow, that the issue of stocks and bonds by public-service corporations ought to be regulated by law. That, however, has nothing to do with this preliminary question which is pending here now.

The rule about motions to recommit is this: A proposition is not germane in a motion to recommit unless it would have been germane as an amendment to the bill.

The authorities all run one way. I have investigated them carefully. The proposition laid down by the gentleman from Pennsylvania [Mr. OLMSTED] is partly correct and partly incorrect. It does not go to the extent which he undertook to make it go. The rule is not that, if there are two substantive propositions in a bill you can add anything else to it. The rule is that on such a question as admitting Territories into the Union as States; if you were trying to admit Idaho, for instance, alone, you could not add Montana and Washington, and so forth. But if you turn it around the other way and make the bill general in its character to admit Montana and Idaho and Washington, then you might add to it, as an amendment, Wyoming, for instance.

At one time there was a proposition pending to appropriate money to destroy the boll weevil and the gentleman from Massachusetts [Mr. GILLET] offered a proposition to add some money to destroy the gypsy moth. Mr. Speaker CANNON held that there



was no connection between the two propositions, and ruled out the amendment of the gentleman from Massachusetts.

There have been divers and sundry rulings of that kind. In the case cited by the gentleman from Pennsylvania [Mr. OLINSTEAD], when the House was expressing its opinion as to what the Turks were doing to the Christians over in Turkey, that was the subject matter. The resolution was to express our horror of what they were doing, and the gentleman from Iowa, Mr. Hepburn, offered an amendment which was more emphatic in its expression of horror than any of the rest, proposing to give the Turkish ambassador his passport. Consequently it was held to be germane.

During the term of the present Speaker a proposition was up to prohibit the trading in cotton futures on the exchanges of the country. Some Member offered an amendment to that proposition to include wheat and corn and other products. The Chair ruled it out by citing all these precedents which he has just cited and some additional ones. The Chair was more in favor of prohibiting the dealing in futures in wheat and corn than on cotton, because he has more to do with those products, but that fact did not have anything to do with the parliamentary point. Therefore he sustained the point of order made against the germaneness of the amendment.

The situation here is that the Committee on Interstate and Foreign Commerce brings in a bill which deals with one subject, and one subject only, and that is to fix a physical valuation of railroads. The only reason that they mention bonds or stocks in the bill at all is that, whether right or wrong, in this country we have fallen into the habit of estimating the value of a railroad by counting in both bonds and stocks, one being property and the other being debts. So that evidently the committee, in reporting this bill, thought that out of deference to the rule which prevails in this country we ought to find out what stocks and bonds have been issued. But this bill as reported nowhere provides or says a word about authorizing or directing anybody to issue stocks and bonds. The motion of the gentleman from Illinois [Mr. MANN] to recommit with instructions has entirely to do with the future issuance of stocks and bonds. It seems to be a very elaborate and perfect scheme. The Chair will say that for it. But I have asked the gentlemen who have argued this question in favor of the germaneness of this motion to recommit to point out in the bill a single word or clause that makes the resolution of the gentleman from Illinois [Mr. MANN] germane.

A case in point arose here—and it happened to be on the 1st day of April, 1910—and I will quote from the argument of the gentleman from Illinois [Mr. MANN] in that case, which seems to be absolutely unanswerable. He said:

Mr. Speaker, the gentleman from New York [Mr. FITZGERALD] referred to amendment 78 of the Senate, and it has been referred to by other gentlemen, as an amendment to the tariff law. It is not an amendment to the tariff. It is a provision which relates to reports required by that law.

And that is what it was, too.

But the provision in the Senate amendment is neither in form nor substance an amendment to the tariff law. Now, I insist that the amendment of the gentleman from New York [Mr. FITZGERALD] is not germane to the Senate amendment.

The Senate amendment provided that a certain section—section 78, the Chair believes it was—in the Payne tariff law about ascertaining the property that the corporations had, in order to levy that tax on them, should only be made public on a resolution of the House or Senate, whereupon Mr. FITZGERALD, of New York, offered an amendment to repeal the entire Payne tariff law. Mr. MANN said:

An amendment to repeal the tariff act is not germane to that Senate amendment.

Mr. MANN, continuing, said further:

The gentleman from New York is too well acquainted with the rules of the House not to know that this amendment which he offers is not germane. If the gentleman from New York, while the Senate amendment was before the House, had proposed an amendment similar to that which he now offers to this amendment, any chairman would have held it out of order as not a germane amendment to the proposition of the Senate. If the gentleman could provide for a repeal of the entire tariff act under the Senate amendment, then he could have provided for a repeal of a particular part of the tariff act. If it be in order to offer an amendment under the Senate amendment to repeal the entire tariff act, it will be in order—and I wish it were—to repeal the duty on wood pulp and paper [applause], because if it had been in order I should have offered such an amendment.

After a great deal of argument on both sides by distinguished parliamentarians, Mr. Speaker CANNON rendered the following opinion:

The SPEAKER. The Chair will cause to be read the amendment which has been agreed to.

The Clerk read as follows:

"Concur with the following amendment:

"Strike out all of amendment No. 78 and insert instead thereof the following:

"For classifying, indexing, exhibiting, and properly caring for the returns of all corporations required by section 38 of an act entitled 'An act to provide revenue, equalize duties, encourage the industries

of the United States, and for other purposes,' approved August 5, 1909, including the employment in the District of Columbia of such clerical and other personal services, and for rent of such quarters as may be necessary, \$25,000: *Provided*, That any and all such returns shall be open to inspection only upon the order of the President, under rules and regulations to be prescribed by the Secretary of the Treasury and approved by the President."

Then the Speaker said:

The SPEAKER. The House will notice that this is a proposition or an amendment covering one specific subject in the tariff act—as to the returns made by corporations. It does not relate to the amount of the tax, the kind of corporations to be levied upon, the time of levying, or touching any other matter, but only and simply the returns of corporations.

Upon the motion to concur with an amendment, which amendment provides for striking out of the Senate amendment and inserting what has just been read, the previous question was ordered, and the House has, on a ye-a-and-nay vote, agreed to the amendment, so that is a closed incident.

Now, the argument of the gentleman from New York brings up a very ingenious theory—

It will be observed that these two gentlemen have swapped places. [Laughter.]

But the Chair does not feel called upon to decide upon his theory, because it has been held—and, so far as the Chair has been able to ascertain, uniformly held—that where there is a proposition to amend a law in one particular—a specific particular—a proposition to amend generally or to repeal the law would not be germane. The Chair, after a hasty examination, finds as follows:

Hinds' Precedents, volume 5, page 411:

"5806. To a bill amendatory of an existing law as to one specific particular an amendment relating to the terms of the law rather than to those of the bill was held not to be germane."

Under that decision, if the amendment of the gentleman had been offered before the previous question operated, it would not have been in order, as the precedents are uniform that you can not by a motion to recommit make that in order which would not have been in order if offered as an amendment. Therefore the Chair sustains the point of order.

And the Chair sustains the point of order made by the gentleman from Tennessee [Mr. SIMS] in this case.

Mr. MANN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. The gentleman from Illinois [Mr. MANN] offers a motion to recommit.

Mr. FITZGERALD. I make the point of order, Mr. Speaker, that it is too late, the previous question having been ordered.

Mr. MANN. Ordered on what?

Mr. SIMS. On the passage of the bill. It is too late.

The SPEAKER. The Clerk will report the motion, and then we shall see.

The Clerk read as follows:

Mr. MANN moves to recommit the bill H. R. 22593, "To amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof providing for physical valuation of the property of carriers subject thereto and securing information concerning their stocks and bonds and boards of directors," to the Committee on Interstate and Foreign Commerce, with directions to that committee to report said bill back to the House forthwith, with the following amendment, to wit: Insert, page 3, after line 21, the following:

"Said investigation and report shall also fully cover as far as practicable questions pertaining to the issuance of stocks and bonds by common carrier corporations subject to the provisions of this act and the power of Congress to regulate or affect the same and particularly the power of Congress to prevent the issuance of stocks and bonds by such corporations without full value being received therefor, and to require the application of the proceeds from the sale of stocks and bonds to be actually invested for the benefit of the corporation to the end that interstate railroad rates may be based upon reasonable and honest capitalization, and to the further end that the investing public may have full knowledge concerning proposed investments so that such corporations may be able to obtain money on better terms and thereby give better service at lower rates."

Mr. CULLOP. Mr. Speaker, I desire to make a point of order against the motion, for two reasons. The first is that the previous question has been ordered on the passage of the bill, and all that was reserved when that order was made was the right to rule on the point of order which was pending at the time that the previous question was ordered; second, that the proposed amendment is not germane to the bill. In other words, it is the same objection which lay against the other motion to recommit. Those are the two reasons for which I make the point of order.

Mr. MANN. Mr. Speaker—

The SPEAKER. The Chair will hear the gentleman from Illinois on this point of order.

Mr. MANN. Mr. Speaker, I will not take the time to enter into an extended discussion of the first point of order made by the gentleman from Indiana [Mr. CULLOP], because the rules expressly provide that a motion to recommit shall be in order after the previous question is ordered on the bill; and I direct the attention of the gentleman from Indiana to that provision of the rule, because it is wholly unnecessary to direct the attention of the Chair to that provision of the rule. The previous question does not operate upon a motion to recommit until the motion is before the House.

On the second proposition, as to whether this is germane to the bill, I call the attention of the Speaker to what is proposed by the bill.

The Speaker a moment ago, in making the ruling which he made, stated that the purpose of the bill was to make a physical valuation of railroad property. The Speaker did not hear the discussion on the bill in Committee of the Whole, probably. While the title of the bill refers to the physical valuation of the property, the bill itself provides that the commission shall investigate and ascertain the value of the property of every common carrier; and as was clearly brought out in the discussion in the Committee of the Whole, the investigation is not confined to the valuation of the physical property, because the Committee of the Whole, under the lead of the distinguished gentleman from Tennessee [Mr. SIMS], in charge of the bill, voted down a proposition to confine the investigation to the value of the physical property, for the gentleman from Tennessee [Mr. SIMS] contended that the purpose of the bill was much broader than that, and it is.

I call the attention of the Speaker to the provisions of the bill in reference to the investigation and report:

They shall also show, as the commission may deem necessary, the history of the organization of the present corporation operating such property.

The SPEAKER. Where is the gentleman reading?

Mr. MANN. At the bottom of page 2 and the top of page 3.

Of the present corporation operating such property or of any previous corporation operating such property in such detail as may be deemed necessary, and any increases or decreases of capital stock in any reorganizations, and moneys received by any of such corporations by reason of any issues of stocks, bonds, or other securities, or from the net and gross earnings of such companies, and how the moneys were expended or paid out for the purposes of such payments.

The said investigation and report shall also show the amounts and dates of all bonds outstanding against each public-service corporation and the amount paid therefor, and the names of all stockholders and bondholders, with the amount held by each, and also the name of each director on each board of directors; and find and report the facts as to the connection of any bank or banker, capitalist or association of capitalists, or financial institution or holding company with the ownership, manipulation, management, or control of any stocks and bonds of any such company, and the transactions and connections of any bank or banker, financier, financial institution, or holding company with the reorganization of any such company in recent years.

Now, Mr. Speaker, these provisions of the bill do not, as was intimated by gentlemen, confine the investigation to the issuance of stocks and bonds now outstanding. It will be years before the full investigation of these matters is completed by the Interstate Commerce Commission, and the commission will be directed and is directed in each of its reports to bring its investigations down to the date when the investigation is made.

Mr. OLMSTED. Will the gentleman from Illinois permit me?

Mr. MANN. Yes.

Mr. OLMSTED. I call the gentleman's attention also to the paragraph in the middle of page 5, which contemplates keeping the commission informed with reference to future changes and conditions.

Mr. MANN. I was just going to read that to the Speaker.

Mr. OLMSTED. It apparently contemplates reports from time to time.

Mr. MANN. On page 5 of the bill, as suggested by the gentleman from Pennsylvania, is the following:

Upon the completion of the valuation herein provided for the commission shall thereafter in like manner keep itself informed of all extensions and improvements or other changes in the condition and value of the property of all common carriers, and shall ascertain the value thereof, and shall from time to time, as may be required for the proper regulation of such common carriers under the provisions of this act, revise and correct its valuation of property, which shall be reported to Congress at the beginning of each regular session.

This bill as it stands endeavors to confer upon the Interstate Commerce Commission full power in reference to future issues of stocks and bonds, so far as obtaining information is concerned, and reporting it to Congress. The amendment which I have offered directs the commission to include in its investigation and report matters relating, so far as practicable, to the issuance of stocks and bonds of these common-carrier corporations for the purpose of affecting railroad rates and requiring that the issuance of stocks and bonds shall, as a result of the investigation of the Interstate Commerce Commission, be reported to Congress, to the end that in the future we may be able to have information by which we may require that stocks and bonds shall only be issued for actual value, and when issued for actual value received shall be properly invested, to the end of regulating the rates of the railroads.

Mr. FITZGERALD. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. FITZGERALD. The gentleman's contention is that his amendment merely extends the character of the investigation?

Mr. MANN. That is all.

Mr. FITZGERALD. Does it not do more than that?

Mr. MANN. It does not.

Mr. FITZGERALD. I suggest to the gentleman, although it may not have been his purpose, that it not only extends the

scope of the investigation, but it confers upon the Interstate Commerce Commission the power to inquire and investigate into the issuance of stocks and bonds in a certain way.

Mr. MANN. Not at all. It says:

Said investigation and report shall also fully cover as far as practicable questions pertaining to the issuance of stocks and bonds by common-carrier corporations subject to the provisions of this act and the power of Congress to regulate or affect the same and particularly the power of Congress to prevent the issuance of stocks and bonds by such corporations without full value being received therefor.

Mr. FITZGERALD. If the gentleman will look at the punctuation—

Mr. MANN. I have not only looked at the punctuation, but I punctuated it.

Mr. FITZGERALD. Apparently very ingenuously.

Mr. MANN. There is nothing ingenuous about it at all.

Mr. FITZGERALD. There is no connection between the inquiry as to the proceeds of the issuance of the stocks and bonds and the investigations that are outlined.

Mr. MANN. Oh, the gentleman has not read the amendment carefully.

Mr. FITZGERALD. I have read it carefully.

Mr. MANN. Very well; the gentleman has read it carefully and lacks appreciation of what it contains. The gentleman can take his choice.

Mr. FITZGERALD. Sometimes it takes more genius than I profess to have to understand some of the amendments drafted and proposed by the gentleman from Illinois.

Mr. MANN. The gentleman from New York lacks a great deal of appreciation of propositions sometimes. I can not expect to bring myself to the point where I can write everything so that it will be perfectly plain to the gentleman from New York.

Mr. FITZGERALD. That is an ambition which, if it could be realized by the gentleman from Illinois, would give him great happiness.

Mr. SIMS. Will the gentleman from Illinois yield?

Mr. MANN. Certainly.

Mr. SIMS. Does not this amendment offered by the gentleman from Illinois require that the commission shall make an investigation as to the proceeds of the issuance of the stocks and bonds?

Mr. MANN. Not at all. The investigation and report is to cover, as far as practicable, questions relating to the issuance of stocks and bonds by the corporation and the power of Congress to regulate or affect the same, and particularly the power of Congress to prevent the issuance of stocks and bonds by such corporations without full value being received therefor.

Mr. SIMS. The object of the gentleman's amendment is to authorize the commission to report as to the method to be hereafter pursued in the application of funds growing out of the sale of stocks and bonds.

Mr. MANN. Certainly. The object of the amendment is to have the commission investigate the matter of the issuance of stocks and bonds, with a view of reporting to Congress, so that Congress may hereafter legislate upon the subject.

Mr. SIMS. Does the gentleman consider that as germane to a proposition to ascertain the value—the existing value—of the amount of outstanding stocks and bonds, to investigate what shall be done with the proceeds of stocks and bonds hereafter issued?

Mr. MANN. Certainly I do. Your own bill provides for the report of the stocks and bonds which may be issued between now and the time when the final report is made upon the last railroad, and even then after that, when stocks and bonds are issued the commission will have the authority to investigate that matter and report upon it.

Mr. SIMS. And as to what shall be done with the proceeds, does the gentleman think that is germane?

Mr. MANN. Certainly.

Mr. COOPER. Will the gentleman from Illinois yield?

Mr. MANN. Certainly.

Mr. COOPER. As I understand the amendment offered by the gentleman from Illinois, it requires the Interstate Commerce Commission to report upon questions of some sort?

Mr. MANN. Yes.

Mr. COOPER. Is not the whole intent of the original bill that the commission shall report upon facts and not upon questions?

Mr. MANN. A great many questions will arise besides facts under the original bill.

Mr. COOPER. I have not observed it. I have been looking at the bill very carefully, and it is my understanding that what they are required to report on is questions of fact up to the time of the report, facts of various kinds. But when they are



called upon to report as to the power of corporations to issue stocks and bonds they may be getting into questions of law.

Mr. MANN. The commission will meet a thousand and one questions of law before it makes a report under the original bill. They are required to report upon the management and control of stocks and bonds in the past.

Mr. TOWNSEND. Mr. Speaker, will the gentleman yield?

Mr. MANN. Certainly.

Mr. TOWNSEND. Mr. Speaker, I will ask the gentleman from Illinois if there is not this distinction between the two propositions; the one contained in the bill and the one proposed by his amendment? The gentleman from Pennsylvania [Mr. OLSTED] called the attention of the gentleman from Illinois to the paragraph on page 5 as to the commission obtaining information concerning matters treated of in the amendment proposed by the gentleman, but is not that limited by the provisions of this bill entirely to the issuance of stocks and bonds which shall have been made, whereas it is proposed by the gentleman from Illinois to inquire into proposed issues?

Mr. MANN. Does the gentleman from New Jersey mean stocks and bonds issued now?

Mr. TOWNSEND. No.

Mr. MANN. On the date of the passage of the law?

Mr. TOWNSEND. No.

Mr. MANN. Or stocks and bonds which may be issued hereafter?

Mr. TOWNSEND. Hereafter, but which shall have been issued in the future when information concerning them is sought. There is no proposal, as I understand it, in this paragraph on page 5, to which attention has been called, to make inquiry for the sake of informing the commission of proposed issues of securities, but to make inquiry in the future of issues which shall have been made at the time of the inquiry.

Mr. MANN. That is true.

Mr. TOWNSEND. And the proposition of the gentleman from Illinois—

Mr. MANN. That is the reason I offered the amendment.

Mr. TOWNSEND. Then there is a distinction between the two propositions.

Mr. MANN. Oh, if my proposition were a duplicate of what is already in the bill, I would not have offered it.

Mr. TOWNSEND. But it is not continuing work nor suggesting work of similar kind it is proposed to have done by the provisions of this bill.

Mr. MANN. Here is the proposition: This bill is for the purpose of obtaining information for the purpose of aiding the commission in the control of railroad rates. That is the only interest we have in the matter, and when you say that the commission shall report as to the stocks and bonds already issued, and you give them power to investigate that subject, certainly, if you want to control railroad rates at all, or have any influence on them, you should investigate the proposed issuance of stocks and bonds, because those that are already issued have no such influence upon railroad rates as the manipulation of the issuance of stocks and bonds in the future will have.

Mr. TOWNSEND. I did not suppose when I asked the gentleman's permission to interrupt that he was offering a duplicate, as his answer would suggest I thought. My point is this: That there are two entirely different propositions proposed, and one is not germane to the other. One is a proposition to acquire information regarding an accomplished fact, and the other is a proposition to acquire information regarding a proposed action, and one is not germane to the other. I knew they were not duplicate propositions, because I have too much faith in the gentleman's integrity as a legislator to think for a moment that he would offer a duplicate proposition.

Mr. MANN. The gentleman's position is that stocks and bonds which do not have any influence over rates ought to be investigated, and those that do have influence over rates ought not to be investigated. My proposition is, when you give the power to the commission to investigate this subject you have the right as a germane amendment to direct the commission to go a step further in the same line—not a different kind of subject at all, but in the same direction. To say when you propose to do something that you can not offer an amendment to go a step further is to say that you can not offer an amendment at all to a bill, leaving it wholly to a committee and not to the House to determine what may be in the propositions to be brought in and voted upon by the House.

Mr. TOWNSEND. I do not deny that; but this is not a proposed step in the same direction, but in a different direction.

Mr. SIMS. Mr. Speaker, it seems to me in all candor—and I of course do not understand the amendment as well as the gentleman who drew it, having heard it read only once—the ob-

ject of the bill is making an inventory of existing facts in order to ascertain the physical value of the property of common carriers, and it does not even remotely relate to how proceeds shall be invested in stocks and bonds to be issued, or created by a new issue of same; and this amendment certainly does relate to what is to be done in the future as well as what has been done in the past. I desire to say frankly to the House, not speaking for the Committee on Interstate and Foreign Commerce nor for any member of it except myself, I have always favored legislation by the Congress of the United States to properly control proposed capitalization of corporations doing interstate business, but the object of this bill is only for the valuation of existing property, and only authorizes the investigation as to outstanding stocks and bonds, because, as the Speaker intimated, it is necessary to have all the light on all existing transactions in order to determine the value of existing property. Now, the object of this amendment offered by the gentleman from Illinois is to go further, just as the object of the first motion to recommit was to go further and to legislate positively as to what shall be done hereafter with proceeds of sales of stocks and bonds, and, Mr. Speaker, I do not understand it to be germane to require a report and an investigation as to what shall hereafter be done by way of limitation of the issuance of stocks and bonds and to make a recommendation as to legislation is not germane to this bill. Why should we have an investigation of facts and a report from a commission on subjects not germane to the bill any more than the offering of such an amendment in the first instance? Now, this amendment says, if I read it right—I will read all of this paragraph:

Said investigation and report shall also fully cover, so far as practicable, questions pertaining to the issuance of stocks and bonds by common-carrier corporations subject to the provisions of this act and the power of Congress to regulate or affect the same.

Purely a question of law. Congress is better able to determine that than any commission.

And particularly methods to prevent the issuance of stocks and bonds by such corporations without full value being required therefor, and to require the application of the proceeds from the sale of stocks and bonds to be actually invested for the benefit of the corporation to the end that interstate railroad rates may be based upon reasonable and honest capitalization.

The object of that section of the bill is to prevent future overcapitalization. The bill unamended, if it should pass unamended, will have the moral effect to prevent overcapitalization, but is not mandatory in language looking to that end.

Mr. MANN. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield to the gentleman from Illinois?

Mr. SIMS. Certainly.

Mr. MANN. The reason I asked the gentleman to yield is because in view of the criticisms that have been made on that part of the amendment which I had inserted in the amendment mainly for the purpose of making sure of the power of the commission in making its investigation, I ask to withdraw that motion which I offered and to offer the following motion.

The SPEAKER. The gentleman from Illinois withdraws his motion to recommit and offers another motion. The Clerk will read the part that is left in.

The Clerk read as follows:

Insert, page 3, after line 21, the following:

"Said investigation and report shall also fully cover, so far as practicable, questions pertaining to the issuance of stocks and bonds by common-carrier corporations subject to the provisions of this act and the power of Congress to regulate or affect the same, and particularly methods to prevent the issuance of stocks and bonds by such corporations without full value being received therefor."

Mr. CULLOP. Now, Mr. Speaker, I make the same point of order against this that was made against the original motion for which this is a substitute.

The SPEAKER. The Chair is ready to rule. The Chair overrules the first point of order that this motion to recommit could not be offered after the previous question was ordered. The rule is clear on that question. Rule XXVII, page 388 of the Manual, says:

It shall be in order, pending the motion for or after the previous question shall have been ordered on its passage, for the Speaker to entertain and submit a motion to commit, with or without instructions, to a standing or select committee.

The Chair, for the elucidation of the matter, will state this in regard to how many motions anybody is allowed to make to recommit. Of course a Member can only make one if it is germane, but a motion to recommit is not a motion to recommit at all if it is ruled out on the point of order, and the logic of the rule is that everybody wanted the privilege of making a motion to recommit to be absolute so nobody could take the power away from a Member, and a Member would have the right to offer a motion to recommit which is germane. If that



turned out to be obnoxious to the point of order, that would go out. Well, now, the Chair does not undertake to say that a Member can stand up and offer motions to recommit interminably that are not germane. That is a matter in the discretion of the Chairman at the time, but where the Chair believes a Member is acting in good faith he will entertain them within reasonable limits. The Chair overrules the second point of order on the proposition submitted now, and the question is on the motion to recommit with the last instructions read.

The question was taken, and the motion was agreed to.

Mr. SIMS. Mr. Speaker, I report back from the Committee on Interstate and Foreign Commerce the bill H. R. 22593, with the following amendments.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Tennessee.

The Clerk read as follows:

Insert, page 3, after line 21, the following:

"Said investigation and report shall also fully cover, so far as practicable, questions pertaining to the issuance of stocks and bonds by common-carrier corporations, subject to the provisions of this act and the power of Congress to regulate or affect the same, and particularly methods to prevent the issuance of stocks and bonds by such corporations without full value being received therefor."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. SIMS, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### MOTIONS TO RECOMMIT.

The SPEAKER. The Chair wishes to repeat the request which he made day before yesterday, that when gentlemen have complicated motions to recommit they submit them to the Chair in advance, if they can do so, because the Chair's mental apparatus does not work any more rapidly than that of other people, and it is not always possible to catch the meaning of a motion by merely hearing it read.

#### LINCOLN MEMORIAL (S. DOC. NO. 965).

The SPEAKER laid before the House the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Appropriations and ordered to be printed.

#### To the Senate and House of Representatives:

I beg herewith to submit a report of the Lincoln Memorial Commission, and its recommendation, upon the location, plan, and design for a memorial in the city of Washington, D. C., to the memory of Abraham Lincoln, in accordance with an act providing a commission to secure plans and designs for a monument or memorial to the memory of Abraham Lincoln, approved February 9, 1911.

WM. H. TAFT.

THE WHITE HOUSE, December 5, 1912.

#### LEAVE TO ADDRESS THE HOUSE.

Mr. BURGESS. Mr. Speaker, I ask unanimous consent for 10 minutes in which to address the House.

The SPEAKER. The gentleman from Texas asks unanimous consent for 10 minutes in which to address the House. Is there objection?

Mr. FITZGERALD. For what purpose does the gentleman wish to address the House?

Mr. BURGESS. I desire to make a short statement and to insert an editorial in the RECORD.

Mr. FITZGERALD. I would suggest the gentleman take the time on the appropriation bill which is to follow. Mr. Speaker, it will be impossible to give Members time as was done in the long session. We have only 40 days to pass all the bills. I ask that the gentleman take his time in general debate.

Mr. BURGESS. All right.

#### LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 26680, the legislative, executive, and judicial appropriation bill.

Mr. MANN. Mr. Speaker, pending that, may I ask the gentleman for the information of the House if there is any notion as to how much, if any, general debate there will be on the bill?

Mr. JOHNSON of South Carolina. There has been no request for time on either side of the House, except that the gentleman from Texas [Mr. BURGESS] has indicated that he desires 10 minutes.

The SPEAKER. The question is on the motion of the gentleman from South Carolina that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the legislative, executive, and judicial appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 26680, the legislative, executive, and judicial appropriation bill, with Mr. GARNER in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 26680) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes.

Mr. JOHNSON of South Carolina. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of South Carolina. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. BURGESS].

Mr. BURGESS. Mr. Chairman, during the 12 years I have been a Member of this House I have not spoken on the race problem, although I was born and reared in a county in the district I represent where the population at the time was 80 per cent negroes, and it is one of the districts known as being in the "black belt." But I have refrained from discussing the race question because I am the friend of the negro and I realized no good could come from discussing a problem that all the South is wrestling with, the ultimate solution of which no man knows. But I ask permission to have read into the RECORD an editorial from the Fort Worth Record, of Texas, written by one of the most brilliant and one of the ablest of southern journalists—Clarence Ousley—and I do this not for the purpose of provoking any discussion, but simply because I think the article so well written that it will appeal to all thoughtful men.

The CHAIRMAN. The Clerk will read the article referred to.

The Clerk read as follows:

[From the Fort Worth Record.]

#### DEBASING NATURE AND DESPISING GOD.

Shocking and sickening as is the Chicago story of a young white girl's infatuation with Jack Johnson and the black animal's brutish insistence upon holding her within the coils of his power, it should not surprise any man who has the slightest ken of racial instinct or the faintest appreciation of the philosophy of social consequence.

The only wonder is that an intelligent people have permitted associations that make the least compromise with fundamental principle.

To put it in a paradox, this development is the natural result of an unnatural contact of whites and blacks tolerated for gain, or for sport, or for convenience. When white men meet negro men in the prize ring, when they ride together in street cars or railroad cars, or when they meet upon any common plane, they stand upon a footing of equality for the occasion, and repeating the occasion establishes a status which has no limitation or differentiation in the mind of the heedless white or the covetous and lustful black.

There is no culture of mind or heart or uplift of soul of the individual black man that warrants social equality with the white man. That is a hard saying, but it is the decree of nature and God, and to ignore it is to debase nature and despise God.

May not the black man aspire? Yes, as high as the heavens. May he not expand? Yes, throughout the whole wide universe. But aspiration and expansion are not hindered by confinement within the association of his own race. By and of himself, among his own, he must pursue his own way—and he may not be permitted to pursue any other without consequences revolting to the white man and ultimately destructive to himself, for such instances as this repeated will provoke revolution and antagonism merciless and far-reaching.

They play with fire who venture to cross the line of racial separation by so much as the slightest step or in the faintest degree. It is not because the individual white man is injured by the contact of the moment, or that the individual black man may not be bettered by the association. If that were all there would be no race problem, and the rule would rest upon an unseemly prejudice. President Roosevelt was not hurt by the dinner with Booker Washington, for with all respect to the host it may be said that the guest was individually worthy of the hospitality. But in the mathematics of races the honest, humblest black is Washington's equal, and since Washington was made equal with Roosevelt the lowest black became equal with chiefest of the white race. That is the philosophy of the black man's reasoning; that is the corollary that finds unconscious lodgment in the white mind moved to an association by whim or temporary advantage.

Jack Johnson had a white wife, who is now dead, and nothing ill may be said of the dead. But the example has borne fruit in the weak brain of this poor child of passion who would give her birthright for the gratification of a diseased or insane fancy. The suicide of the other one, provoked perhaps by a belated realization of her racial debasement, is no warning to the younger victim lured by notoriety and intoxicated by adventure.

And that isn't all. "Oh, some of the best white women in Chicago ride in this car," said Johnson to the girl's mother when she shrank from being seen in his automobile. Of course "the best white women" in Chicago do not ride in that car, but Johnson sees no reason why they should not; other brutish negroes there and elsewhere see no reason why they should not; and thus in millions of negro minds is



born the purpose of impudence and insult and outrage to be visited upon white women any time and anywhere.

What have we of the South to be concerned about in this unspeakable infamy which the undiscerning North tolerates? May we not be content to preserve our own standards, maintain our social integrity and let others indulge animalism and amalgamation to the utmost of their bestial bent?

No, for we have knowledge they do not know; we have experiences which should teach them to beware, and we are not faithful as our brothers' keepers if we do not cry aloud and warn them of their peril.

Besides, they can not conceal these exploits from the knowledge of our blacks, and our blacks will be tempted to more wicked deeds. Quick and sure vengeance awaits the least encroachment here, but it would be little less than criminal not to endeavor to prevent the occasion for vengeance.

Thousands of black brutes all over the land will be moved by this circumstance to entertain the nameless desire which always lurks in the mind of the low and lustful.

We may not calculate how many white women must suffer the consequence of such example—nor how many black men may be destroyed to hold the others of the race in leash.

Will men never learn that nature can not be mocked without punishment? That the God of heaven is the God of races? That the pigment of the skin, while not a badge of dishonor, is an outward and visible sign of a status decreed from everlasting to everlasting? Association, dalliance, or trespass, by whatever action or custom, is outlawry which invites the wrath of the Most High.

Mr. JOHNSON of South Carolina. Mr. Chairman, I yield 15 minutes to the gentleman from Pennsylvania [Mr. PALMER].

The CHAIRMAN. The gentleman from Pennsylvania [Mr. PALMER] is recognized for 15 minutes.

Mr. PALMER. Mr. Chairman, I recognize that in the short session of Congress debate on appropriation bills should not be interrupted to any great extent by the discussion of matters which do not relate to those bills; but I crave the indulgence of the House for a few minutes this afternoon to call attention to a matter which has no relation whatever to this bill, but which I think is of sufficient importance to command the attention of the House.

On the 31st day of October, 1912, an American ambassador at a foreign court made an address which contains so many aspersions upon the character and life of a great American who was twice President of the United States, once Secretary of State, and whose name has reached the height of immortality in the world, that I feel we ought not to allow the occasion to pass without some mention of it in this House. Ambassador Reid, at the autumn session of the University College of Wales, delivered a lecture entitled "One Welshman: A Glance at a Great Career," and under that title made comment upon the life, character, and achievements of Thomas Jefferson.

There seems to be just now considerable renewed interest in Thomas Jefferson's life. I have been myself much attracted by some of the recent literature about Jefferson and about his beautiful home in Virginia and its history. I have been attracted also by the scholarly and brilliant work of the distinguished Senator from Mississippi, who has been lecturing upon the life of this great man before the students of Columbia University in New York. And it is a jarring note, especially at a time when the philosophy and the political theories of Thomas Jefferson seem to come in for enlarged support among the American people, to have the American ambassador at the court of the greatest monarchy on earth take pains to go out of his way to call attention to what he himself calls the "odious details" in the conduct of this great man as indicative, in his own language, "of the real character" of Thomas Jefferson.

He starts out by giving to Jefferson due and proper credit for many of the great things which he did, referring to his "head of gold," and then goes on in two-thirds of his address to prove that he had "feet of clay," by calling attention to what he calls the "absurd inconsistencies and extravagances" of his life, his works, and his utterances. He not only flings his jibes at what Jefferson did and said, but sneers at the accomplishments of the great political party which Jefferson founded, and by misrepresentations and misstatements of the facts seeks to give the impression that they are not worthy followers of that great man.

I admit that this sort of thing, coming from a man of letters who desires to be known as a writer of history, would not be worthy of any criticism here; but I declare that when an American ambassador at a foreign court undertakes thus untruly and improperly to criticize a man who occupies the position in our country's history held by Thomas Jefferson, the occasion is worthy not only of comment but perhaps of censure.

Mr. Reid begins by stating the admission of Jefferson's admirers that "his political career was checkered, his executive course many times open to criticism, his modes of expressing conviction often ill-considered and extravagant and amazingly inconsistent, and his acts as a politician frequently far below the standard of the philosophical writer on government." He refers to him as "possessed with such wild notions that he could not mind his own business" when a member of Washington's Cabinet; and he finally begins his citations of isolated

utterances of Jefferson to prove his inconsistency of conduct and extravagance of behavior by this description of the man:

Mr. Jefferson was not a man of genius. We have seen that he was not an orator, not a soldier, not a good Executive, *least of all, a well-balanced statesman*. But he was a philosophical thinker or dreamer, and yet with a wonderfully practical gift for reading the tendencies of the populace and for putting their wishes into persuasive and stately language. \* \* \* He was at once a philosopher and a partisan. But his philosophy was sometimes ill-balanced and ill-considered; his partisanship was always adroit and carefully considered, generally successful and *sometimes useful*.

When analyzed that paragraph gives him credit only for sometimes being useful as a party man. The ambassador goes on to say:

I began by asking you to consider a few reasons why some work of his gave as much credit to the Welsh stock as anything done by any other man of the blood. But I did not commend him as a uniformly sound political thinker or as an altogether admirable man. In fact, as a political opponent he was at times ungenerous and *underhanded*. Even his close friend, James Madison, was constrained to apologize for his frequent extravagance and inconsistency.

A few examples—

Says Ambassador Reid—

may show the urgent need of this allowance, and at the same time bring his *real character* and its limitations into clearer relief. They will also show the *absurd extravagance to which he habitually resorted* as the surest means of impressing the less intelligent voters.

If the American ambassador could have employed any words which would have more accurately been intended to call this great man a demagogue, I know not the words which he could have chosen. He goes on then in many pages, citing sentences from his writings and isolated instances of conduct and actions on the part of Jefferson, to prove these "absurd extravagances" which he says denote Jefferson's "real character." The accuracy of these citations may well be judged by these. He says:

And in curious contrast with his political descendants, who now wish to have the decisions of the highest courts reviewed or even reversed at popular elections, he said bluntly: "The people are not qualified to judge questions of law."

It seems to me the only excuse for such an utterance, which charges the Democratic Party with having within its ranks as one of the descendants of Thomas Jefferson the author of the doctrine which the ambassador here describes, must be found in the ambassador's absence from the country during the last few months. [Applause on the Democratic side.]

He goes on to say, further:

He reconciled his personal feeling with holding office almost continuously for 40 years, but when he became President he was vehemently in favor of rotation in office and was the author of the doctrine that "to the victors belong the spoils."

A statement which history will not corroborate. He then goes on to give his definition of the attitude of the Democratic Party to-day, which nothing except perhaps an isolated sentence taken out of the context in some of Jefferson's writings could possibly justify or excuse. He says:

He wished to confine the great General Government solely to foreign affairs—to be thus conducted without diplomatic establishment. Every other subject of public concern, excepting solely foreign affairs, he wished left to the independent States. Nine-tenths of the present useful activities of the General Government would thus have been destroyed at one stroke.

And he accompanies all this with a sneer at the government of the great city of New York, which he declares has been for many generations in control of the party which is proud to claim Thomas Jefferson as its founder, and which, in the instance cited by Ambassador Reid, he declares without justification the party has wandered far from the course laid down by the founder.

After citing these instances and others that I shall not stop to read or comment upon, he says:

Surely here are enough inconsistencies and extravagances to show the need for Mr. Madison's plea that "allowance be made for them." In most of them he was absolutely sincere. But no sketch of his career or estimate of his character would be honest without some mention of others for which such an excuse can not be offered.

And then he, the ambassador of this Government, standing before a foreign audience upon foreign soil, talking about the man who was the first Secretary of the department under which he, the ambassador, serves, goes on to detail the extravagances in Jefferson's character which, he says, show his absolute insincerity, and he winds up this description of the man by reference to his vulgar and ill-bred habit of sneering at conscientious beliefs, his doubt of his sincerity when he carried through Virginia the statute for religious freedom in the colony, summing it all up by reference to him as—

That strange medley of inconsistency, extravagance, enthusiasm, and fervid patriotic devotion.

Mr. Chairman, I shall not go further in this. I admit there is much in this address of Ambassador Reid which is true and which is entirely worthy of the subject. There is much in it which must of necessity have found a place in any sketch of his great career which shows a proper estimate of the man in some of the aspects of his life, character, and great achieve-



ments; but there is so much in it which impugns his motives, doubts his honesty of purpose, and condemns his methods that the whole constitutes an aspersion upon the life, character, and conduct of this great man, whose memory we revere down to this day. And I, for one, as an American Representative in Congress, would not let the occasion pass without entering my protest against the impropriety, the misconduct, of an American ambassador at a foreign court who would thus misrepresent before a foreign audience one of the greatest men who ever lived upon American soil. [Applause on the Democratic side.]

Mr. GILLETT. Will the gentleman from Pennsylvania yield to me?

Mr. PALMER. Certainly.

Mr. GILLETT. I have not read the address of Ambassador Reid, but I would like to ask the gentleman if it consists mainly of these criticisms which he has read, or if it does not also fairly represent the great qualities of Mr. Jefferson?

Mr. PALMER. I said that the ambassador did rather briefly give him his due credit for great things accomplished, but he devotes the larger part of his address to what he himself calls the "odious details" which show the "true character" of the man. No man in this House could read the address without being shocked at the thought that the American ambassador would thus describe him. [Applause on the Democratic side.]

Mr. GILLETT. I listened to what the gentleman read, and I supposed the larger part of his quotations portrayed weaknesses which the most devoted friend of Mr. Jefferson fully recognized that he possessed, and while I think we all of us admire, as I certainly do, his great qualities and great achievements, I certainly supposed the members of the gentleman's party would recognize that a large part of the criticism which he has detailed was founded on history.

Mr. LANGLEY. And these statements of the ambassador are in the main sustained by citations in the various volumes to which he refers.

Mr. GILLETT. Mr. Chairman, I ask unanimous consent that the full address of Ambassador Reid be printed in the Record so that we may see as a whole what impression it carries.

Mr. PALMER. I have no objection whatever.

The CHAIRMAN. The gentleman from Massachusetts asks that the full address of Ambassador Reid be printed in the Record.

Mr. JONES and Mr. SHACKLEFORD objected.

Mr. GILLETT. That shows the spirit of this criticism.

Mr. SHACKLEFORD. We do not want to circulate this libel any further.

Mr. GOOD. Mr. Chairman, in order that Ambassador Reid may be put right in this matter, I ask that there may be printed, with the remarks of the gentleman from Pennsylvania, the estimate of Thomas Jefferson placed upon him by President elect Woodrow Wilson, as found on page 3, volume 4, of Mr. Wilson's History of the United States, which reads as follows.

Mr. PALMER. Mr. Chairman, there was no intent on my part—

Mr. HEFLIN. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The regular order is that the gentleman from Pennsylvania has the floor.

Mr. PALMER. I have no objection to the gentleman reading the extract.

Mr. GOOD. It reads as follows:

The difference between Mr. Jefferson and Gen. Jackson was not a difference of moral quality so much as a difference in social stock and breeding. Mr. Jefferson, an aristocrat, and yet a philosophical radical, deliberately practiced the arts of the politician and exhibited oftentimes the sort of insincerity which subtle natures yield to without loss of essential integrity. Washington found him a guide who needed watching.

[Applause on the Republican side.]

Mr. PALMER. Mr. Chairman, I do not know whether my time is exhausted or not.

Mr. JOHNSON of South Carolina. I will yield to the gentleman five minutes more.

Mr. PALMER. Mr. Chairman, I only want to say that I had no intention of making political capital out of this proposition. Mr. Reid is an official of this Government. He is the ambassador of the American Government at the Court of St. James, and his conduct and his utterances are not the opinion of a historian or a man of letters. They are being presented to foreign people as indicative of the sentiment of the American people. There is nothing in the gentleman's quotation from the speech of Mr. RODENBERG, which was read here last spring during the presidential campaign as the utterances of President-elect Wilson, which compares for a single moment with the scathing, untrue description of Thomas Jefferson contained in this address by Mr. Reid. [Applause on the Democratic side]

Analyze everything that Woodrow Wilson, as a writer of history, has said about Thomas Jefferson, and any man who is not blinded by partisanship in the present circumstances in this country, when Mr. Wilson has reached a high place in the Democratic Party, would admit that his estimate of Thomas Jefferson was that of a man who believed him to be the greatest philosopher and statesman of his time. [Applause on the Democratic side.]

I did not take from Ambassador Reid's address a single sentence out of its context by which it might be judged. I am willing that the entire address shall be printed in the Record, and would be glad to have it there. I made no objection when the request was made. The impression that any man would get in reading all that Mr. Wilson has said about Thomas Jefferson would be that he had the highest admiration and respect and veneration for the character and achievements of Jefferson, while the impression any man would get from reading the address of Ambassador Reid must be that he has a sneering contempt for many of the attributes of character of this great man. [Applause on the Democratic side.]

Mr. GOOD. Can the gentleman from Pennsylvania point to a single sentence in the address of Ambassador Reid where there is such a reflection upon the character and integrity of Thomas Jefferson as is contained in the sentence of Woodrow Wilson where he says that Washington found in him a guide who needed watching?

Mr. PALMER. I have pointed out a dozen sentences where there is more.

Mr. GOOD. What are they?

Mr. MANN. Mr. Chairman, I will ask the gentleman from South Carolina to yield me one minute.

Mr. JOHNSON of South Carolina. Mr. Chairman, I yield one minute to the gentleman from Illinois.

Mr. MANN. Mr. Chairman, I have read the address of Ambassador Reid, as has the gentleman from Pennsylvania [Mr. PALMER]. My impression from reading the address was that in the main it was laudatory of Thomas Jefferson, and there certainly is nothing in that address which in any way whatever is so condemnatory of the life or character of Thomas Jefferson as the expression in Mr. Woodrow Wilson's printed article.

Mr. BUTLER. What does it all amount to, anyway? You can not disturb Thomas Jefferson in history.

Mr. LEWIS. Mr. Chairman, I will ask the gentleman from South Carolina to yield me two minutes.

Mr. JOHNSON of South Carolina. Mr. Chairman, I yield the gentleman from Maryland two minutes.

Mr. LEWIS. Mr. Chairman, I think the two gentlemen who have spoken in regard to this matter have wholly missed the point. There was a time in the history of this Republic when its ambassadors were not found in the highways of Europe belittling and slandering citizens of this Republic, living or dead, and there was a time even in the history of the other side of the House when, had they done so, their conduct would not have met with its applause. The difference between Mr. Wilson, the historian, and Mr. Reid, the ambassador, is the difference between a private citizen and a representative of this Republic wearing its robes of office and authority, and presumably under the duty of presenting it to foreign countries in a manner to invite respect, and not in its most discreditable guise. Thomas Jefferson himself is safe, even from the attacks of this ambassador. If the President of this Republic did his duty, Ambassador Reid would not be long safe in his office. [Applause on the Democratic side.]

Mr. JOHNSON of South Carolina. Mr. Chairman—

Mr. HEFLIN. Mr. Chairman, will the gentleman from South Carolina yield me three minutes?

Mr. JOHNSON of South Carolina. After I have made my statement respecting the bill.

Mr. Chairman, in presenting the legislative, executive, and judicial appropriation bill to the committee, I shall detain the committee long enough to call attention to the material facts of the bill. While the bill is under discussion under the five-minute rule I shall feel it my duty to explain any item in the bill to Members who may desire information. The bill as it comes to the House carries \$319,000 less than the bill for the current year. It provides for 310 less salaried employees than the bill for the present year. It provides for 347 less people than the departments, in the estimates, asked Congress for.

Of the 310 employees whose services are no longer needed, there are 175 who were employed in the Census Office completing the work of the last census. The further services of these people are dispensed with because the work upon which they were engaged is now about completed.



There is a reduction of 100 in the force in the War Department. Gen. Wood testified before the committee during the last session of Congress that more "paper" work was being done than was necessary. The bill as it was finally approved provided that vacancies in the War Department should not be filled until the whole number of vacancies should equal 5 per cent of the entire clerical force. Under that provision of law 78 places became vacant and were not filled. The last military appropriation bill consolidated three bureaus in the War Department. The consolidation of those bureaus enabled the department to dispense with the services of 24 people. So that there has been a reduction of 100 clerks in the War Department, but those reductions were made without turning any person out of the Government service. They were made by not filling vacancies as they occurred. But for the fact that it was necessary for us in some particulars to increase this bill, we could have made a larger reduction. We slightly increased the force in the Library of Congress. In the Copyright Office the force was not sufficient to keep the work current. That office is self-sustaining. During the last year it paid into the Treasury about \$20,000 in excess of the cost of operating it. We therefore gave an increased force in the Copyright Office. We also gave an increased force in the card-indexing department. That likewise is self-sustaining.

In the Civil Service Commission we were compelled to increase the force, first, because the efficiency law of the last Congress placed additional burdens upon the Civil Service Commission in the keeping of the efficiency records.

The President has recently promulgated an order placing all the fourth-class postmasters in the classified service. The Civil Service Commission claim that the keeping of the efficiency records of the clerks and the attention that will be required in filling all fourth-class post offices of the country will necessitate an additional clerical force. We were liberal in granting these allowances. Speaking for myself, I was particularly anxious that they should have the increased force. The Government on 4th of March will change from one great political party to the other. [Applause on the Democratic side.] There will be people unscrupulous or ignorant who would create the impression that the incoming administration and its friends are hungry for spoils. I wanted no excuse for the Civil Service Commission to say that we had denied it the force necessary to enforce the law. For these reasons we greatly increased their force. The Post Office Department has been reducing expenses. The country is constantly growing, but the Post Office Department, in spite of that fact, has been able from year to year to reduce its force. This time the department came to the committee asking for no increase on account of the general increase of the country's population and business, but asking for an increase on account of the burdens that will be placed on the department under the postal savings banks and the parcel-post laws. The increased work of that department on account of those two laws necessitated adding 30 clerks, at a cost of about \$40,000. We increased, also, the permanent force in the Census Office because during the last session Congress passed an act requiring the Census Bureau to gather tobacco statistics. Congress also passed an act requiring the Census Bureau to gather additional cotton statistics. The work required of that bureau under the two laws mentioned necessitated an increased force, which we have granted.

All through the bill, where we found that the testimony indicated particularly meritorious cases we have increased salaries. Generally we have increased those in the higher grades, in order that there may be promotions all along the line. We have endeavored to provide that promotions in any division shall be made from the clerks employed in the particular division. We found that many clerks, in order to avoid the provisions of the transfer law, were resigning outright and being reemployed in another department. We have tried in this bill to correct that evil.

Now, Mr. Chairman, as I have said, as the items in the bill are reached, if any Member desires any information in regard to what we have done and why we have done it, I shall feel it my duty to explain it as best I can.

Mr. PALMER. Mr. Chairman, I would like to get a little information from the gentleman in charge of the bill about this appropriation for the maintenance of the internal-revenue collectors' offices. How many offices are appropriated for in this bill?

Mr. JOHNSON of South Carolina. Sixty-three.

Mr. PALMER. Is that the same number that was appropriated for in the last bill?

Mr. JOHNSON of South Carolina. It is.

Mr. PALMER. And that is four less than was carried before?

Mr. JOHNSON of South Carolina. Four less than were carried prior to October 1, 1912.

Mr. PALMER. I assume when the Appropriations Committee cut down the appropriation for the internal-revenue offices the committee had in mind there were four offices which could properly be abandoned for the good of the service.

Mr. JOHNSON of South Carolina. We had information to the effect that there were five that could be dispensed with.

Mr. PALMER. What districts were they?

Mr. JOHNSON of South Carolina. That information was given to a member of the Committee on Appropriations outside of the committee room, and I do not now remember what districts they were.

Mr. BURLESON. I am the Member referred to, but I do not now recall the location of the districts, save one. I recall that one was in the State of Iowa. I will state to the gentleman from Pennsylvania that the districts the committee had in mind that could be abolished were not the districts that were afterwards abolished.

Mr. PALMER. That is what I am getting at.

Mr. CARLIN. Which were they?

Mr. JOHNSON of South Carolina. One was in South Carolina, one in Texas, from obvious reasons, one in Pennsylvania, and I do not know where the other was.

Mr. PALMER. The one in Pennsylvania was the district in which I live. [Laughter.] The one in Texas, I think, is in the district in which the gentleman from Texas [Mr. BURLESON] lives.

Mr. BURLESON. No; it was the Dallas district that was abolished.

Mr. PALMER. And the other is the district in which the gentleman from South Carolina [Mr. JOHNSON] lives. I take it for granted that as far as the South Carolina and Texas districts are concerned, at least, the Appropriations Committee had no idea of having them wiped out.

Mr. MANN. Why should not they if they did not need them? Does the gentleman assume that the Appropriations Committee is unwilling to abolish a district in Texas because a gentleman from Texas is on the committee? I think that is a violent assumption.

Mr. PALMER. I assume the districts in those States are so important that it would be necessary to continue the offices in those districts.

Mr. MANN. How many districts are there in Texas?

Mr. BURLESON. One now.

Mr. MANN. That is doing pretty well.

Mr. BURLESON. How many districts are there in Illinois?

Mr. MANN. Illinois collects more revenue than all the other districts combined, and there are very few districts—

Mr. BURLESON. The Peoria district pays more into the Treasury than all the other districts in Illinois combined, the gentleman might also add.

Mr. MANN. That is true, and any one of the Illinois districts pays more internal-revenue tax than all of Texas combined.

Mr. PALMER. I want to ask the gentleman in charge of the bill if he believes this Texas district, and the South Carolina district, and the Pennsylvania district ought to be wiped out?

Mr. JOHNSON of South Carolina. I have no information on that subject. I will state, as far as I am at liberty to state, that a Member of Congress came to the Committee on Appropriations and asked that his name should not be used—

Mr. BURLESON. A Republican Member of Congress.

Mr. JOHNSON of South Carolina. A Republican Member. He said he had knowledge that there was an internal-revenue district in his State that was absolutely useless for any purpose except to give somebody a place. That led the committee to inquire of the Commissioner of Internal Revenue if there were any districts that could be dispensed with without injury to the public service. The commissioner furnished to the gentleman from Texas, who waited on him, a list of five districts which I understood he thought could be dispensed with without injury to the public service.

Mr. GILLET. Why, Mr. Chairman—

Mr. PALMER. Mr. Chairman, would there be any impropriety in submitting that communication of the commissioner to the House?

Mr. BURLESON. It was not a communication in writing. The information was received in a personal conference. I want to state in fairness to the gentleman from South Carolina [Mr. JOHNSON] that at the time the committee was considering the abolishment of a number of these revenue districts it was understood that probably the district in South Carolina would be one of the districts abolished. I want to state, furthermore, that in my judgment the public service will not suffer by reason of the abolishment of the district in Texas. I want to state, furthermore, that I believe that the number of internal-revenue districts now authorized could be still further reduced without any injury to the public service.



Mr. PALMER. Mr. Chairman, if the committee was right last year in reducing this appropriation because there were five districts that could be dispensed with, and after the appropriation has been reduced other districts are abolished, the only way to accomplish the purpose of the last year's action would be to still further reduce the appropriation, would it not?

Mr. JOHNSON of South Carolina. No; because the President has the power by Executive order to rearrange these districts and to abolish as many as he sees fit, and we had an idea that very shortly there would be a new Secretary of the Treasury and a new Executive who would abolish the useless districts, and it was not necessary for the Committee on Appropriations to put it in the form of law that it had to be done.

Mr. PALMER. Can the Executive, without legislation, change the boundaries of these districts?

Mr. JOHNSON of South Carolina. Yes, sir.

Mr. PALMER. So he can arrange an entirely new system, dividing the country into 63 districts?

Mr. JOHNSON of South Carolina. That is my understanding.

Mr. GILLETT. May I state to the gentleman that I do not know about the private communications of Members of Congress to members of the committee or of the Internal Revenue Commissioner to Members of Congress. I do not think that is a proper kind of evidence to bring on the floor of the House, but I would like to ask the gentleman if the collector of internal revenue did not, in his official statement before the committee, state that he thought it was to the detriment of the public service to decrease the number of the districts?

Mr. JOHNSON of South Carolina. He did say in his examination on this bill that the discontinuance of the districts that had been discontinued was a detriment to the service.

Mr. GILLETT. And that in his opinion the number ought not to be diminished?

Mr. JOHNSON of South Carolina. I do not know whether he said that or not.

Mr. GILLETT. That is my recollection.

Mr. BURLESON. Undoubtedly it is true that there ought to be a rearrangement of these districts, and it is probable that the number which we now have, if a rearrangement should be effected, would be continued, but with the arrangement as it is now some of these districts could be abolished without injury to the public service.

Mr. GILLETT. Mr. Chairman, this is the first indication that we have had of the attitude of the majority toward appropriations, now that the campaign is over. I think in that light it is somewhat suggestive and interesting. We all remember that last year just on the eve of a political campaign the cry on that side of the House was all for economy and reform. The pork barrel was closed up, patronage in this House was cut off, appropriation bills were diminished, and we were told that the Democratic Party was bound for reform.

The committees on expenditures, which have jurisdiction of the different departments, were all put to work, and it was expected that revelations of extravagance and scandals would be brought before us. All of those hopes entirely failed of realization, and all of those committees accomplished nothing, though I presume they affected public opinion; and now, at the beginning of this Congress, we are going to see what the Democratic Party will do along those lines after election. That was all before election, and that was all to make a platform.

This very bill in the last Congress came in so stingy, parsimonious, and vicious in what it did and what it did not do that the Republican members of the committee felt bound to take the very unusual step of submitting a minority report—something which had not been done before, if I remember correctly, since I have been a member of the committee.

Now, we all wonder, after the object was achieved, after they had gone before the people on this platform of economy, now that they have won power, whether they will carry out those platform pledges and the precedents which they tried to start in the last Congress.

In that light I think this bill is suggestive, because in the last Congress in this bill there was not a single increase either of salary or of force except, I believe, one very small increase of a salary which had been diminished by mistake in the preceding Congress. Except for that in the last Congress you could look through all the pages of this printed statement on the legislative bill and you would not find a single increase, either of salary or of force. They not only did that, but they went a step further, and against a hostile Republican administration, as they seemed to have considered it, an administration that had distinguished itself by more genuine efforts for reform than any other administration that has been here in the 20 years that I have seen, an administration which by its efforts and investigations has cut down the expense of the departments

here in Washington by hundreds of thousands of dollars a year, against that administration they made a lump-sum reduction. They not only would not allow that administration a single increase of force or of salary, but, unable to say where the administration should diminish its expenditures, unable to go into details, unable to give any intelligent judgment as to where a reduction could be made, they made a lump-sum reduction, and said that during the year whatever loss in force might occur should not be filled.

That was their attitude last year toward the Republican administration, and now what is their attitude this year? Is it the same? Last year, as I said, if you looked through these pages you would not find a single increase. That was for the Republican administration. Now, if you will take up the report accompanying this bill, you will find on more than half of its pages increases of force, increases of salary, and in some cases increases of both force and salary.

The gentleman from South Carolina [Mr. JOHNSON] says that some people are unscrupulous and ignorant enough—I think those were his complimentary adjectives—to feel that the Democratic Party is hungry for spoils. [Laughter.] I admit that I am one of those persons who come within that category.

Mr. JOHNSON of South Carolina. Will my friend from Massachusetts allow me to interrupt him?

Mr. GILLETT. Certainly.

Mr. JOHNSON of South Carolina. I am sorry that my friend from Massachusetts suspects the Democratic Party. I will look into the dictionary for another adjective to describe the gentleman. I want to ask the gentleman whether he is complaining because we have made increases either in force or in salary?

Mr. GILLETT. I am not. I am complaining because you treated the administration last year in the way you did and now begin to take a different tack.

Mr. JOHNSON of South Carolina. Has the administration suffered in any particular by reason of the reductions that were made?

Mr. GILLETT. Well, we have had only three months since that bill went into effect. You can not tell, but I have no doubt the administration has suffered.

Mr. JOHNSON of South Carolina. I know you would have suffered, unless that bill had passed, very greatly.

Mr. GILLETT. I have no doubt the administration has suffered. I have no doubt it would have been better to have given some of these increases then. I agree that many of these increases of force and of salary are proper. I am not sure but that they all are; but, under the circumstances, I do criticize the increases of salary in this bill. I criticize the way in which they are made. I believe many of the salaries to clerks in the departments are now inadequate. I believe they ought to be increased, but I believe the way to increase them is not for our committee to pick out its favorites and increase them by a bill like this—

Mr. BURLESON. I should like to ask the gentleman whether he says that has been done in this bill?

Mr. GILLETT. I do not know.

Mr. BURLESON. Does he mean to insinuate that it has been done in this bill?

Mr. GILLETT. I do not mean that they are your personal favorites. I mean that they are favorites, because they are picked out when undoubtedly there are many others in the departments equally deserving.

Mr. BURLESON. Will the gentleman indicate or particularize? Will he put his finger on one case where a man has been selected out as a favorite?

Mr. GILLETT. Everyone of them who is selected out is the recipient of favoritism.

Mr. BURLESON. Will the gentleman state whose favorite he is?

Mr. GILLETT. I do not mean that he is your favorite or any other man's favorite on the committee. He is the favorite of this legislation, and the exercising of this favoritism will lead to further favoritism, as you well know, because you know that when we have increased the salaries here the bill will go over to the Senate, and they will put on many other additions, and we will have to agree to them.

Mr. BURLESON. Right at this particular point—

Mr. GILLETT. I decline to yield right in the middle of a sentence. I say that our increasing of these salaries will lead the Senate to do the same thing. Those increases will come back here, and we will have to consent to their increases. Now, what we ought to have done is to have reclassified the whole service. There are many places which are inadequately paid. I presume I voted for most of these increases of salary. I do not remember opposing any of them. I think they are worthy,



but if you are starting in on your principle of reform and economy, I think the proper way to do it is not to refuse, as you did last year, to make a single increase either of force or salary and then come in this year to make increases. Instead of that you ought to pass a reclassification of the whole civil service. That is one of the crying needs. There are some of these clerks who are too highly paid. There are some who are paid too little. There is a bill which was considered by the Committee on Appropriations a few years ago, and I think it was favorably reported by that committee, but did not pass the House. There is a bill reported by the Committee on Reform in the Civil Service in the last session for reclassifying the service. Either of those bills contains a foundation which might have been taken up and enacted into law; but instead of adopting the system recommended by the Committee on Appropriations and by the Committee on Reform in the Civil Service, you would return to the old-fashioned way which, I am sorry to say, we have been pursuing right along. You have relaxed from your last year's stern and ascetic principle of not making any increases, and now for the Democratic administration you are making increases both of force and salary.

Mr. BURLESON. I want to ascertain the viewpoint of the gentleman. He insinuates that these increases which have been made in this bill are made as the result of favoritism. I want to know if that is the operating cause that moved those in charge of this bill for the last 16 years to grant the increases that have been made in the legislative bill and other appropriation bills.

Mr. GILLETT. I have just criticized it myself and have said it is the wrong principle. It is the same principle that we have followed right along.

Mr. JOHNSON of South Carolina. Let me ask the gentleman a question.

Mr. GILLETT. Certainly.

Mr. JOHNSON of South Carolina. Suppose we should pass a law reclassifying the service. Who would put the clerks in class 4 and class 3 and class 2 and class 1?

Mr. GILLETT. The gentleman is not familiar with the bill that has been before our committee and before the House, which provides for reclassifying them not simply by grades, as they are now, which is a vicious way, but classifying them according to the quality of the work that they do.

Mr. JOHNSON of South Carolina. Who is to do that?

Mr. GILLETT. The head of the department does it.

Mr. JOHNSON of South Carolina. Who came down here before our committee saying: "This man who is drawing \$1,600 is worth \$1,800?"

Mr. GILLETT. The head of the department, of course.

Mr. JOHNSON of South Carolina. The same people who would do the reclassifying.

Mr. GILLETT. No; but then they would reclassify according to the character of the work.

Mr. JOHNSON of South Carolina. That is what they testified before the committee, that they are asking for an increase because of the men's work. If there is any favoritism it is shown by the department and not by Congress. I do not know any of these people.

Mr. GILLETT. I will say frankly that I do not suspect these are the personal favorites of any member of the committee, but it is the system of favoritism appointing them in this way. The way they ought to be appointed is the other way. The very austere self-control which gentlemen exercised in the last Congress is very different from the generosity they are exercising here.

Another contrast is in reference to another branch of departmental service which is subject to great improvement. The committee last year recognized that superannuation was one of the evils of the service. It is one of the greatest problems that can be tackled by any committee, and if the Committee on Appropriations would strike out these two evils, would reclassify and would strike out superannuation, they would do something of permanent value.

Mr. FITZGERALD. Will the gentleman yield?

Mr. GILLETT. Certainly.

Mr. FITZGERALD. I suggest that the committee did do that, but with the gentleman's assistance the President wrote a veto message with reference to it.

Mr. GILLETT. The committee did do it; but in such a crude and preposterous way that I venture to say they will not dare repeat it when they come into power. I agree that there is no inconsistency in not doing it at this session, because they know it would be vetoed again; but I venture to say now that you will not dare to do it in the next Congress, because you know it is not the right way.

Mr. FITZGERALD. The gentleman from Massachusetts characterizes the method in very harsh language. My recollection is that he made the statement that if we were not to adopt a civil retirement law, in his opinion this was the very next best thing to be done.

Mr. GILLETT. The gentleman is mistaken in his recollection.

Mr. FITZGERALD. I was of the opinion that that was what the gentleman from Massachusetts believed about it.

Mr. GILLETT. No. Now, as to this question of superannuation, the committee met it in a crude way in the last Congress, which, as I say, was utterly inadequate and which I do not believe they will press when they have the power and are able to put it into effect. So the criticism I make of the committee is not on this bill. I think this bill is a good bill, a much better bill than that of the last session. The criticism I make is that last session they flung out the banner of economy and reform and put through a bill they praised highly because it did not have in it any increases for the Republican administration, and just as they are going to have an administration of their own they abandon that policy and bring in the same kind of a bill that had been going on before and which they so harshly criticized.

Mr. JOHNSON of South Carolina. Will not we have to operate under that bill from March until July of next year?

Mr. GILLETT. Yes.

Mr. JOHNSON of South Carolina. We knew it then as well as we know it now.

Mr. GILLETT. Of course, I had not an idea then that you were going to operate under it for 12 months.

Mr. FITZGERALD. Is it not a fact that all the increases recommended in this bill are positions in the classified service?

Mr. GILLETT. Certainly.

Mr. FITZGERALD. And so far as any party affairs is concerned, there are none.

Mr. GILLETT. That depends upon what you do to the classified service. That is what we are all waiting to see. The gentleman from South Carolina says that only unscrupulous and ignorant persons think there is any hunger for spoils on that side. If that is true, there are many unscrupulous and ignorant persons.

Mr. FITZGERALD. Well, I am not hungry for spoils, neither are my constituents. I have a great many patriotic and competent citizens who believe they can materially improve the character of the administration by being made a part of it.

Mr. MANN. With a fixed salary.

Mr. FITZGERALD. And I hope to have them given an opportunity to demonstrate what they can do.

Mr. GILLETT. That confirms my suspicion that was so criticized by the gentleman from South Carolina.

Mr. FITZGERALD. That does not mean that the classified service is to be utterly demoralized, although in my own opinion there are some positions in the classified service, filled by some Republicans who were covered there by Executive order, which would be very greatly improved by having a change in the occupants.

Mr. GILLETT. I presume that the gentleman from New York has a certain number and other gentleman have a larger number, so that among you all the whole service could be changed and much improved.

Mr. FITZGERALD. I might add this: If the gentleman from Massachusetts [Mr. GILLETT] will give me a list of the places that he knows would be the easiest for me to obtain for my constituents after his long experience with the administrations of his own party I would feel very grateful to him.

Mr. MANN. Mr. Chairman, would the gentleman from New York [Mr. FITZGERALD] be willing to take a list of the places which the gentleman from Massachusetts has been instrumental in filling and be satisfied with them?

Mr. FITZGERALD. Oh, it is very easy to satisfy me.

Mr. MANN. The gentleman is skillfully evading the question.

Mr. FITZGERALD. I do not believe that the gentleman from Massachusetts should be put in a position where he might be forced to confess that perhaps he has not been as arduous in some phases of his work as recent events would make him believe he should have been.

Mr. MANN. Would the gentleman from New York be willing to take the same number of places or the places which have been filled through the instrumentality and personal solicitation of the gentleman from Massachusetts?

Mr. BURLESON. Mr. Chairman, I do not think it is right for the gentleman from Illinois to try and force a declaration from the gentleman from Massachusetts upon that point. It might coerce the gentleman into making a statement that is not exactly founded upon facts.



Mr. MANN. Would the gentleman from Texas be willing to be satisfied with filling the places that have been filled under Republican administrations through my instrumentality?

Mr. FITZGERALD. Oh, no. We know the gentleman has never been persona grata for over 10 minutes in any administration. I wish to announce for myself that I do not intend to put any limitations either upon my activities or my desires to serve to the best of my ability the most intelligent constituency in the United States.

Mr. MANN. It is quite evident that none of the gentlemen are willing to confine themselves. All are after the spoils, red-hot, all the time, chasing them down.

Mr. FITZGERALD. Mr. Chairman, if displacing an incompetent Republican with an efficient Democrat is being after the spoils, then I am after the spoils.

Mr. MANN. And if replacing a competent Republican by an inefficient Democrat is after the spoils the gentleman will still be after the spoils.

Mr. FITZGERALD. Mr. Chairman, that is a situation that can not possibly exist. There are no inefficient Democrats seeking positions, and there are many incompetent Republicans holding them.

Mr. MANN. I have no doubt that that is the attitude of all the Democratic Members.

Mr. GILLETTE. Yes. Mr. Chairman, I was going to say that that, I think, pretty well justifies me in putting myself in the class reproached by the gentleman from South Carolina [Mr. JOHNSON]. All Democrats who want office are efficient in the eyes of the majority, and any Republican who is in the place they want is inefficient. We have been wondering what would be their attitude, and this bill is the first indication, and apparently their Spartan self-denial of last session is loosening, and I expect their zeal for economy will steadily diminish and their appetite for spoils increase. I want it to be made clear that I am not criticizing this bill, but it is the last year's humbug that I am criticizing, when they pretended they were not going to increase any office or salary, when they paraded themselves as the great apostles of reform and economy, and now just as soon as they have the administration they desert their past professions.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield?

Mr. GILLETTE. Certainly.

Mr. SLAYDEN. Is not that statement perfectly consistent with the moderate increase that is made necessary by the increase in population?

Mr. GILLETTE. There was just as much increase last year as there is this year. They did not give a single increase last year; instead they cut the bill down. Last year it was a Republican administration that they were providing for, and this year it is a Democratic administration that they are providing for. I will agree that the gentleman is correct, that there ought to be, in the natural course of things, an increase every year.

Mr. SLAYDEN. A moderate increase commensurate with actual demands.

Mr. GILLETTE. Certainly, there ought to be, and last year it was not given; and the present administration, above any administration I know of, has disclosed a genuine zeal for economy, and has introduced reforms that right here in Washington have cut off the salary list hundreds of thousands of dollars a year. Yet, despite that fact, last year while business was growing not an increase was made.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. GILLETTE. Certainly.

Mr. BYRNS of Tennessee. The gentleman speaks of increases in salary. Will the gentleman, for the information of the committee, state the largest increase of salary that is contained in the pending bill?

Mr. GILLETTE. Oh, I do not remember.

Mr. BYRNS of Tennessee. Is it not a fact that no increase of salary has been made to a greater extent than \$250?

Mr. GILLETTE. I should not wonder.

Mr. BYRNS of Tennessee. And there are not over 12 or 15 increases in the entire bill.

Mr. GILLETTE. I think there are more than that, but the amount is not important; it is the principle I am criticizing. Why do not you live up to the principle you laid down last year—a principle that is good enough for a Republican administration? Why do not you follow it when your own administration comes into power? That is my criticism. I am not criticizing the bill, but I am simply stating that you are not following out now the same unintelligent parsimony which you showed last year; and I expect that it was just a prelude to an equally unintelligent prodigality when you will come to appropriate for your own administration.

Mr. JOHNSON of South Carolina. Mr. Chairman, inasmuch as the gentleman from Massachusetts [Mr. GILLETTE] can not find anything in this bill to criticize, and is compelled to go back and criticize the bill that was passed at the last Congress, I ask for a reading of this bill.

Mr. BURLESON. Mr. Chairman, every intelligent Member of Congress recognizes that there is a crying necessity for a reform in the classified service of the Government. Members of the House who are chargeable with the responsibility of framing the appropriation bills in recognition of that fact during the past 8 or 10 years have made repeated efforts to effect this reform by embodying paragraphs in appropriation bills dealing with this subject. Of course such paragraphs in appropriation bills are subject to the point of order, and if we should manage to get over the point of order we are in danger of running counter to a presidential veto for attempting legislation on an appropriation bill; but, Mr. Chairman, there is a committee of the House of high standing—

Mr. GILLETTE. Will the gentleman allow a question?

Mr. BURLESON. Not now. I will yield to the gentleman in a minute. There is a committee of the House of great influence and high standing chargeable with the duty under our rules of dealing with this subject matter, upon which the grave responsibility is imposed of reporting to this House remedial legislation looking to the correction of this great evil, not only of reorganizing the classified service but also of looking to the elimination of admitted superannuation which exists in all the departments of the Government. That committee was for many years presided over by a very distinguished Republican. I will not charge that the distinguished gentleman has been guilty of neglect of duty, I will not charge that he has idled on the job, but the chairman of the Committee on Reform in the Civil Service in the Sixty-first Congress, in the Sixtieth Congress, in the Fifty-ninth Congress, at any time that he desired to correct this great evil that has been pointed out by the gentleman from Massachusetts, could have assembled that great committee, formulated his proposition of reform in the shape of a bill, and reported it to this House for consideration. Now, Mr. Chairman, it was not the fault of the minority, the Democrats, in the Sixty-first, the Sixtieth, and the Fifty-ninth Congresses that this action was not taken. It was a fault, if I may say so, which rested more with the chairman of the Committee on Reform in the Civil Service than with any other; and I must say that it comes with poor grace from the gentleman from Massachusetts, who held the chairmanship on the Committee on Reform in the Civil Service for so long, to come here now and point out that a feeble effort is being made by the majority at this time to correct some of these manifest abuses that now exist in our Civil Service. If the gentleman had been diligent when he was at the head of the committee which he presided over with such grace and such dignity for so long a time, if he had been diligent in the discharge of his duty, there would not now be substantial basis for the criticism he directs against those who have had the preparation of this bill.

Mr. GILLETTE. Mr. Chairman, I am obliged to the gentleman for his suggestion, because he unfortunately is ignorant of the fact, as is quite apt to be the case with that side of the House. He says if I had done my duty as chairman of that committee there would have been such a report. Now, as a matter of fact there was. That committee was called together and that committee worked with great diligence through two Congresses, and it reported a bill which was the result of a vast amount of work upon both these subjects, which I am now criticizing the Committee on Appropriations for neglecting.

Mr. BURLESON. The gentleman's side controlled the House, why did not you put it through?

Mr. GILLETTE. I did not control the House; I did the best I could. I did get a report out of the committee in favor of a bill to cure this superannuation and a bill for a reclassification. Those bills the present Committee on Reform in the Civil Service, although I have urged it upon the committee, has paid no attention to; but the Committee on Appropriations, which last year had a rule which made everything in order on a bill, could have undoubtedly with equal ease this year secured just such a rule. They had before them, or might have if they were not all as ignorant as the gentleman from Texas that such bills had been reported—they might have those bills which were reported before them, might have brought them in here and used them as a basis for the bill they made and with the consent of the Committee on Rules brought them up.

It is a reform that is as crying a need for the administration of this Government as anything of which I know—those two points, the reclassification of the service and the cure of superannuation—and yet the majority on that side of the House has done nothing toward it except that preposterous and crude



proposition which was made in the last Congress, and which I will venture to predict that now when they have the three branches of the Government they will not try to put through the next Congress, but will abandon it.

Mr. BURLESON. The gentleman berates this side of the House for failing to do in 6 months what the gentleman failed to do in 14 years.

Mr. GILLET. You might have started it. You had the results of our work before you which you might have taken as a basis.

Mr. SLAYDEN. Is not the superannuation plan a pension bill?

Mr. GILLET. A contributory pension bill.

Mr. FITZGERALD. Mr. Chairman, some features of the gentleman's statement are hardly in accordance with the general gentleness of discourse for which he is noted. As I happened to enter the House the gentleman was endeavoring to point out the fact that the Committee on Appropriations had recommended no increases of compensation during the last session, and that in the pending bill some increases had been made. He seemed to assume that the committee had refused in the last session to recommend any increases because a Republican administration would be the beneficiary of such increases, while their conduct at this time was prompted by the fact that the Democratic administration would be the beneficiary of these increases. The Committee on Appropriations during the last session of Congress, in view of the fact that all branches of the Government had been in complete control of the Republicans for a long period, realizing that the demand existed throughout the country for a halt in the extravagant program that had been followed for years in appropriating and expending public money, laid down a rule that it would not recommend any increases of compensation in any bill reported from that committee, and that unless imperative reasons were shown it would not recommend the creation of any new positions. My recollection is that the Committee on Appropriations made but four recommendations for increases in the bills coming from that committee—one to correct an unintentional reduction of the compensation of a laborer, made by the preceding Congress; two to increase the compensation of laundry women in a tuberculosis hospital in the District of Columbia; and one other that I do not recall. The purpose was to halt the custom that had been in existence of granting indiscriminately favors to those with the largest amount of influence and the most powerful connections. It was attempted to get the estimates on a fair basis in order to be in a position to proceed to do justice in such instances as the future might disclose changes to be necessary. What the committee has done in the present bill is the best answer to the charge that the Democratic committee has attempted to make recommendations that would be for the benefit of a Democratic administration after the knowledge had come to the country that the Democrats were to control the Government after the 4th of next March.

The estimates submitted by this administration for amounts to be carried in the legislative appropriation bill are \$2,298,492.12 in excess of the amount actually appropriated for the current fiscal year, and the committee recommends a bill carrying \$317,627.88 less than the amount enacted in the law for the current year. So that the committee has recommended a bill of two million and about six hundred thousand dollars less than the present administration estimates will be required after the 1st of July to carry on the departmental service. Ample justification was given to a Democratic House very greatly to enlarge the public service in Washington if it had a desire to take any mere petty political advantage of the situation. But, Mr. Chairman, the committee is confronted by the fact that the estimates submitted by the administration for the ensuing fiscal year are \$113,415,455.14 more than the revenues for 1914 estimated by the Secretary of the Treasury, as required by law. This does not take into contemplation the estimates for deficiencies that may for any reason, proper or improper, require additional appropriations during this session; nor does it take into account whatever appropriations may be made for miscellaneous items outside of appropriation bills.

Even if the appropriations, estimated, in round numbers, at \$30,000,000, for the Panama Canal, reimbursable out of the issuance of bonds, be eliminated there will still be a deficit of some \$83,000,000 contrasted with the estimated revenues forecast by the Secretary of the Treasury. In his report to Congress in accordance with the law, in order to wipe out this deficit or make it as low as possible, the Secretary of the Treasury eliminates the \$60,000,000 required under the terms of the sinking-fund act for the redemption of the public debt. Eliminating the amount required for sinking-fund purposes, and also eliminating the \$30,000,000 required for Panama Canal con-

struction purposes, reimbursable out of the bonds authorized to be issued, there will still be a deficit of over \$22,000,000, without taking into consideration deficiencies or miscellaneous items and without considering any authorizations of any character for new river and harbor projects or new public buildings.

It seems to me that, instead of criticizing the Democratic House for making the comparatively few recommendations for increases of compensation of persons in the classified service in the legislative bill, gentlemen on that side of the House might better devote themselves to some discussion or explanation of the very remarkable financing of public operations in which this administration seems to be engaged. I take it that if Congress were to accept the estimates of the various executive departments and appropriate in accordance with them this administration would have the satisfaction of knowing that a Democratic Congress would be required to find at least \$83,000,000 additional to the revenues now available in order to meet the obligations of the Government.

I hope Members of the House will bear these facts in mind during this coming winter, and that in the consideration of legislation designed to fix permanently large annual charges upon the revenues of the Government some attention will be paid to the fact that it is not necessary that Congress shall devote its time to the means by which the public revenues shall be expended, but that it will be necessary to give considerable time and thought to ascertaining sources from which additional public revenues may be obtained. [Applause.]

Mr. MANN. Mr. Chairman, the gentleman from Massachusetts [Mr. GILLET] seems to have provoked some personal criticism of himself by suggestions which he made, which apparently were not understood on the Democratic side of the House. I did not understand the gentleman from Massachusetts to criticize the items of increase of salaries in this bill at all. He merely called attention to the fact that in the last session, when it was uncertain as to who would have control of the Government the next time, the Democrats had taken the position that they would not make any increase of salary, and that at this time they have made some increases to which, I think, he does not object.

The distinguished gentleman from Texas [Mr. BURLESON], who hopes to be in the Cabinet of the next President—and I agree with him in that respect [applause]—suggested that it was the fault of the gentleman from Massachusetts, as the chairman of the Committee on Reform in the Civil Service, that changes have not been made.

I served on that committee for many years with the gentleman from Massachusetts as chairman, and I can testify that there were many rocks placed in the road of his automobile in the line and direction which he sought to run it. I threw some of them myself. [Laughter.] He has worked diligently in this House for many years for the purpose of effecting reforms in the administrative branch of the Government, and no one ought to criticize him for again calling attention to what he believes are necessary reforms, and for criticizing the other side of the House for not bringing in those reforms.

I do not object, Mr. Chairman, to the Committee on Appropriations having made recommendations of increases of salary. I think last year there ought to have been some increases. I have no doubt this year there ought to be some increases. I do not believe that the Committee on Appropriations in making recommendations this year have been influenced by the fact that they were personally interested in the offices where the salaries were increased, or that their party was personally interested in those offices. After a while we will reach the real distinction between Democrats seeking election and Democrats after election, when we are called upon to vote for an extravagant and unnecessary public-building bill and an extravagant river and harbor bill, when the boys really get in their work on the pork-barrel bills which they were afraid to pass at the last session of Congress, but which they determined to have at this session.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For mileage of Senators, \$51,000.

Mr. COX of Indiana. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by adding after line 4, page 2, the following:

"Provided, That hereafter Members of Congress, Delegates from Territories, the Resident Commissioner from Porto Rico, and the Resident Commissioners from the Philippine Islands shall be paid only their actual traveling expenses while traveling from their homes to Washington City and return on the usual and ordinary route of travel from their legal residence: *Provided*, That said sums of money shall be paid out



upon the certificate of the Members of Congress, Delegates from Territories, the Resident Commissioner from Porto Rico, and the Resident Commissioners from the Philippine Islands, and not otherwise."

Mr. FITZGERALD. Mr. Chairman, I make the point of order that that amendment is not germane to the portion of the bill which has just been read. This portion of the bill deals with the appropriation for the Members and officers of the United States Senate. The amendment suggested by the gentleman covers a great many things not at all relating to the Senate.

The CHAIRMAN. The Chair will hear the gentleman from Indiana [Mr. Cox].

Mr. COX of Indiana. Mr. Chairman, I think the amendment is germane to the subject under consideration. The part of the bill to which the amendment proposes to apply is—

For mileage of Senators, \$51,000.

The subject of inquiry now under consideration is the question of mileage, and anything which relates to that subject is, in my judgment, germane.

Under clause 2 of Rule XXI, known as the old Holman rule, it certainly becomes germane. Anything is in order which tends to reduce the public expenditures and to bring economy in the administration of the affairs of this country. I insist that it is germane because it relates particularly and peculiarly to the subject under inquiry.

The subject under inquiry is that of the mileage of Senators. While it is true that the amendment which I propose here is somewhat broader than the language set out in this paragraph, relating exclusively to the mileage of Senators, and the amendment relates not only to the mileage of Senators but to the mileage of Representatives, Delegates, and Resident Commissioners, I do not believe that under the rules and practices of the House its germaneness is destroyed. The vital question, as far as germaneness is concerned, is the question, Does the amendment relate to the subject under inquiry? If it does, it becomes germane. I do not believe the point of order is well taken.

The CHAIRMAN. Does the gentleman from New York [Mr. FITZGERALD] desire to be heard further on the point of order?

Mr. FITZGERALD. No; I do not.

The CHAIRMAN. It seems to the Chair that this comes within the Holman rule and is germane, for the reason that it applies to Members of Congress and is a limitation on the appropriation.

Mr. MANN. If the Chairman will permit, the portion of the bill under consideration is headed:

Legislative—Senate.

It is a familiar rule that an item which may be germane to a bill may still not be germane to a particular portion of the bill. This amendment is offered in connection with the appropriation for the mileage of Senators, but is not confined to the mileage of Senators. It includes the question of mileage for the Members of the House. The appropriation for mileage of Members of the House is carried in an entirely different portion of the bill.

The CHAIRMAN. The Chair will ask the gentleman from Illinois a question in that connection.

This paragraph simply appropriates for the mileage of Senators, while the amendment undertakes to designate the amount of money that may be received either by a Senator or by a Member of the House?

Mr. MANN. Yes.

The CHAIRMAN. If this amendment is adopted here, would it not apply equally to Members of the House, although the appropriation for their mileage is made at a different point in the bill?

Mr. MANN. It would apply if it were offered at that point in the bill.

The CHAIRMAN. Even if this amendment is not offered at that point, this being a limitation on the appropriation made elsewhere for the mileage of Members of the House, it seems to the Chair that it would apply to that appropriation wherever made.

Mr. FITZGERALD. There is no appropriation in this paragraph for mileage for Members of the House, and an amendment providing for mileage for Members of the House, Delegates and Commissioners would not be in order at this point, because it would not be germane. At this point provision is made to pay the mileage of Senators. Any amendment to be in order at this point must be germane. An amendment proposing to reduce the stationery allowance of Members of the House would not be in order here. No more is an amendment to control the amount of mileage to be paid a Member.

The CHAIRMAN. Does the gentleman from New York contend that a limitation on the amount of mileage received by Senators would not be in order?

Mr. FITZGERALD. That is not this question. The question is much more comprehensive than that; it embraces Members of the Senate and Members of the House, Delegates, and Resident Commissioners. An amendment affecting them is not germane to a provision confined exclusively to Members of the Senate.

Mr. MANN. Mr. Chairman, personally, I doubt whether the amendment is permissible under the provisions of the Holman rule. But I am inclined to think that both the gentleman from New York and myself are mistaken. An amendment if it was offered is germane to this portion of the bill affecting the mileage of Senators, and if the item was offered as to the mileage of Senators, I think an amendment to that effect as to the mileage of the Members of the House would be in order, and if so, it is in order as originally offered in one item.

The CHAIRMAN. The Chair is ready to rule unless the gentleman from Indiana wishes to be heard.

Mr. COX of Indiana. Mr. Chairman, I do not think I have anything further to say except that I think it comes clearly under article 2, Rule XXI, what is known as the Holman rule, and, as I said a moment ago, I think it is germane. What is the subject under inquiry? It is the question of mileage. True, the paragraph relates to the mileage of Senators, but as the Chairman knows, Senators are Members of Congress exactly as are Members of the House, and because my amendment brings in two more classes of persons who are Members of this same body, to wit, the Resident Commissioner of Porto Rico and the Commissioners of the Philippine Islands, yet I insist that that does not destroy the germaneness of the amendment which I offer.

The Chair, of course, is conversant with the rule to which I have referred. It reads, in part:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except as such as being germane to the subject matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of the amounts of money covered by the bill.

And so forth.

It seems to me, Mr. Chairman, that the amendment I have proposed to the bill comes squarely within that part of the rule. It is germane because the subject of inquiry is that of the mileage of a part of the Members of the Congress of the United States, because my amendment uses language which covers two or three other persons, yet the subject to which my amendment already applies is that of mileage, and I insist it is germane.

The CHAIRMAN. This amendment proposes to cut down or limit the mileage allowed to Senators, Members of Congress, Resident Commissioners, and Delegates. If it applied only to Senators it would undoubtedly be germane to this paragraph, but it is a broader amendment than that and applies to all Members of Congress. Now if an amendment, as suggested by the gentleman from Illinois, was offered to limit the mileage of Senators had been submitted, an amendment to that amendment to include Members of the lower House of this body would have been in order. So it seems to the Chair that since the amendment embraces both of the subjects that would have been in order it is germane, and the Chair overrules the point of order.

Mr. COX of Indiana. Mr. Chairman, I do not desire to take much of the time of the House in discussing this question, because it has been discussed on the floor of the House time and time again. I do not know that I can add anything to what has been said on this subject by men abler than I am to present it. But, Mr. Chairman, I do believe that this amendment should carry and that it should be made permanent law. I think the Appropriations Committee last winter and summer did splendid work in reducing the appropriations, and I think they should be commended for it, and I have no doubt that their splendid work in reducing the appropriations was echoed throughout the country during the campaign and materially aided the Democratic Party in achieving the splendid victory in the November election.

The appropriations last year were reduced something like \$31,000,000 below what any previous Congress had made them. I have believed for some time that it was the odds and ends of Congress in making appropriations that the people have a meritorious right to protest against. The people have no right to object, nor do I believe they do object, against meritorious appropriations, made to legitimately run the Government. It will not be contended by any Member of this House for a moment that it costs him 20 cents per mile each way to travel from his home to the city of Washington and return by the usual and ordinary routes of travel between his residence and the Capital.



In fact, it can not possibly cost him 20 cents per mile. Almost all railroads in the country sell tickets for 2 cents per mile, and this, with sleeping-car berths and meals en route, does not amount to 5 cents per mile. There is not a Member of the House, though he live at the remotest corner or section of the United States, who can not travel from his home to Washington City on 5 cents a mile or less.

It is not so much a question of saving this amount of money, though this is an item to be considered, as it is the principle involved in the case. When the Democratic Party got control of this House a little over a year ago it began with its pruning knife. It lopped off a tremendous lot of useless jobs here and there, and which were conceded to be useless, because, after cutting out these useless jobs, the organization of the House moved right on, showing that the jobs disposed of had been useless, so far as efficiency of the organization of the House is concerned.

I believe that the cutting out of these useless jobs saved the Government approximately \$180,000 per year in the way of salaries. Another practice has grown up here to which I could not subscribe, and that was allowing the employees of the House a month's extra salary. This was cut out by the Democratic caucus and saved the country approximately \$65,000. I believe the country agreed with the Democratic Party, when in caucus assembled, that it did right in abolishing the large number of useless jobs and cutting out the extra month's pay for the employees of the House.

What kind of position have we got ourselves into by this kind of legislation? Let me appeal to you, my Democratic friends, who propose to stand for economy, to look this question squarely in the face. Are we doing justice, are we doing right, when we say to the little employee who travels from the Pacific coast, at a cost to him of from \$65 to \$100, making a trip here to fill a position the salary of which ranges from \$1,200 to \$1,500 per year or less, we will deny him his extra month's salary, which was given to him for the purpose of compensating him for his mileage, and at the same time refuse to repeal our 20 cents per mile and allow ourselves to be paid our actual traveling expense? Is this justice? Is it right to refuse to allow the employees of the House their month's salary in lieu of mileage and at the same time refuse to repeal the law allowing us 20 cents per mile each way for going and returning, and in lieu of that allow ourselves actual traveling expenses when this is more than we are giving to the employees of the House?

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. COX of Indiana. Certainly.

Mr. BYRNS of Tennessee. Mr. Chairman, I want to say to the gentleman that I am thoroughly and heartily in sympathy with the purpose of his amendment, and I have taken occasion to say so several times upon this floor. I want to ask the gentleman, with reference to the amendment as it is drawn, if it is not, as a matter of fact, possible under that amendment, as it was read from the Clerk's desk, for Members of the House to go back and forth from their homes and the city of Washington any number of times during the session and collect actual traveling expenses for each trip?

Mr. COX of Indiana. I do not believe so.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. COX of Indiana. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection? There was no objection.

Mr. COX of Indiana. The language used by me in the amendment read from the desk follows very closely the language of the old statute, which allows Members to collect 20 cents per mile each way, going and returning by the usual routes of travel.

Mr. BYRNS of Tennessee. Does not the gentleman think, in order that there may be no question about it, that he better provide expressly upon the face of the amendment that it should be paid only once during each session?

Mr. COX of Indiana. If the gentleman has any question about it, I would be very glad to accept such an amendment.

Mr. BYRNS of Tennessee. I am just suggesting that to the gentleman.

Mr. COX of Indiana. Mr. Chairman, I do not believe that the amendment I have offered will permit a Member of Congress to charge for different trips. In any event, I take it that no Member of Congress would undertake to charge for more than one trip. I regard Members of Congress as being high-priced men, and I would not believe for a moment that any Member, even though the amendment which I have offered might permit him to do so, would charge for extra trips to his

home. I do not think he would do it, because of the moral obloquy he would undoubtedly bring upon himself if he attempted to do so.

Mr. KINDRED. Mr. Chairman, will the gentleman yield?

Mr. COX of Indiana. Certainly.

Mr. KINDRED. Mr. Chairman, I am sorry that I lost the drift of what the gentleman said on this phase of the subject. How many trips does the gentleman's amendment anticipate?

Mr. COX of Indiana. One here and one home. Mr. Chairman, a year ago last summer I looked into the question of mileage with some considerable degree of care. It is much broader than the mere question of mileage to Members of Congress. I give it as my sincere judgment that this country could save approximately a million dollars a year by looking into the mileage proposition. The officers of the Army while traveling on duty are allowed 7 cents a mile while coming and going to and from their posts of duty. A short time ago I asked the War Department to furnish me with vouchers or copies of vouchers for travel pay of officers, the appropriation of which was something like \$500,000, and on reading these vouchers I found some exceedingly interesting reading. For instance, each year a tremendous amount of money is paid out to officers of the Army at the rate of 7 cents per mile while traveling from one point to another for the sole purpose of taking test rides. If this was remedied and the officers of the Army put on actual expense basis, it would save the people a tremendous sum of money each year.

The statute allowing Members of Congress 20 cents per mile was passed in 1799, long before the era of railroads in this country and at a time when travel was made on foot, on horseback, and conveyance, and at a time when, no doubt, it cost the Members of Congress at least 20 cents per mile each way to make the journeys from their homes to the capital and return. For instance, Members living in New England and in Georgia, where they had to travel 600 or 700 miles in order to reach the capital, and over poor roads which no doubt existed at that time, and being several days on their journey, no doubt but what it cost them at least 20 cents per mile to make their journey; but to-day when the remotest sections of our country, the United States, can easily be reached by rail in four or five days' travel, with fare reduced on all trunk-line railroads to 2 cents per mile, there is no reason why the old statute passed in 1799 should not be either repealed outright or amended so as to meet improved conditions of travel of to-day.

At the time when the old statute was enacted the salary of Members of Congress was \$7 per day, and the salary has been increased from time to time, until to-day it is \$7,500 per year. To repeal the old statute or to amend it by paying actual traveling expense is in line of progress with the interests of the day. I know of no business house in this country that pays its employees mileage, but all of them pay their employees actual traveling expenses, and these expenses are paid out on vouchers furnished by the employees.

Mr. Chairman, we can not in good faith remedy the mileage evil as I think it exists in other branches of the Government to-day so long as we fail to remedy our own mileage. The law should either be repealed outright or should be amended so as to pay each Member his actual traveling expenses. This is fair, just, and equitable and is in line with progressive business interests of the country.

Mr. SIMS. Mr. Chairman, the gentleman from Indiana [Mr. Cox] is talking about a reform making a large saving. I am not taking issue with him on that point, but why should not the gentleman go further? I think when a man is elected to this House and paid a salary for his services the Government ought to be entitled to his entire time. We are asked here daily to excuse Members from attendance upon the sessions of the House on account of important business. Under the rules of the House, when a Member is absent without leave—

Mr. COX of Indiana. Is the gentleman addressing that to me?

Mr. SIMS. The gentleman from Indiana was talking on the subject, and I want to invite the gentleman's attention to this point: Under the rules of the House, perhaps the law—I am not sure about that—when a Member is absent without leave he forfeits his salary, and yet we every day excuse men from attendance on the House on account of important business. If the gentleman will figure upon that he will find that perhaps he can save the Treasury a great deal by deducting the salary from Members who are absent on important business by refusing to permit them to leave this House to attend to important private business. I admit that when a man's family, or a member of same, is ill, or something of that sort, that he should be permitted to leave and remain away during such illness; but when Members leave to attend to business that pays them better than their salary, why should not they forfeit the salary for



the time they have been away attending preferably to important private business? I do not desire the gentleman to understand me as making a speech in opposition to his amendment; but since the gentleman has started on a line of economy, why not pursue it in this direction and not have the whip of this House wear himself out to get a quorum here at times when it is very important to have one because gentlemen are excused by this House on account of important business. It seems to me while the gentleman is advocating reforms—and I think he is perfectly sincere—that he might urge reforms all along the line and refuse any Member of this House leave to be absent simply because he has important business, and thereby he will save many more thousands of dollars than he is now trying to save to the Treasury and at the same time expedite the legislation of this House very materially; and yet when we hear read from the desk that Mr. A or Mr. B asks leave of absence for 10 days on account of important business I do not hear the gentleman from Indiana or anybody else object.

Mr. BUTLER. How do you save the Treasury when he is here?

Mr. FITZGERALD. Mr. Chairman, this question of mileage has been discussed in the House during my entire 14 years of service. From time to time various Members have suggested that the amount of mileage allowed to Members be reduced. I have very little interest in the matter; that is why I have at times participated in the discussion. The amount of money paid to me each session of Congress under the law is \$92, so that it makes little difference whether we abolish the mileage, reduce the rate, or fix some other basis upon which it shall be paid. The Committee on Appropriations reports the amount necessary to pay the amount of mileage under the existing law. It did not take up or discuss or consider the advisability of changing the present allowance. During the present Congress at each of the two previous sessions the matter was presented, debated, and decided in the House, and upon each occasion the House by a substantial majority determined that it would not change the rate of mileage.

In view of those circumstances, the committee presented the bill carrying the amount necessary to pay mileage in accordance with existing law. I do not care at this time to discuss at length the necessity, the advisability, or the propriety of changing the present rate. Members from a long distance who are compelled to close their homes and move their families—in many instances part of their household goods—and establish themselves in Washington for a period running from four to eight or nine months, insist that the expense incident to such change or transfer of residence for themselves and their families is not more than met by the allowance under this statute. Arguments have been made that the purpose was not only to cover the personal traveling expenses of the Member himself, but to compensate him for all the expenditures necessitated by the transfer of his family and his home to the capital during the period he is required to remain here. All the reasons for and against the present rate and proposed change of rate are familiar to the Members of the House. I think we can easily determine the question without very much discussion.

Mr. SISSON. Mr. Chairman, I will detain the House for but a moment. I do not know that the amendment is so drawn that it would limit the Members to only one trip, but the proponent of the amendment states to me that that is his purpose and his intention. My objection to the present system of paying mileage is this: The gentlemen who live within a few miles of the Capital get a very small or practically no compensation at all. A man living at the distance from the Capital that I do gets something like \$400 mileage. Those out West get over \$1,000 mileage.

Now, the original discussion in reference to mileage paid in the First Congress hung upon this proposition, that the compensation of all Members of Congress should be the same. Therefore, in settling the question as to the location of the Capital, it was arranged so that those people who lived close to the Capital, who would have to pay but little money to get here, and those who lived a long distance from the Capital, who would have to pay a great deal more to reach the Capital, should get the same amount of salary. Under the old rules of traveling by stagecoach the amount paid originally was to pay actual traveling expenses for one round trip. Now, this mileage proposition presents an inequality of compensation which is not justified. I would prefer, rather than to have items for all sorts of expenses paid, to have a mileage basis such that it would be fixed by law, say 5 cents a mile for each way. That would certainly cover the expenses of a man and his wife, because you only pay now about 2 cents a mile for traveling expenses. Nor do I think it absolutely necessary that the expenses of the entire household should be borne by the Federal Government in

getting to the Capital. I shall vote for the amendment which is offered by the gentleman from Indiana [Mr. Cox], but I hope he will so word the amendment that it can be beyond question that only one mileage shall be allowed.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MANN. Mr. Chairman, there never will be any entirely satisfactory solution of the question of the payment of expenses for Members coming to Washington from their homes, because there is no way, of which I know, at least, of absolutely equalizing the matter. It would be a very easy matter to provide for the payment of expenses of the Member of Congress himself, and if it is the desire of Congress to have men come here from home and leave their families behind, that is a very good way to proceed. I would much rather have a Congress composed of Members with their families here, and men living with their families in Washington than have the families of Members at home and Members carousing here in Washington, because that is almost the inevitable effect. There is not a legislature in this country at any State capital where members go to the legislature for a few days in the week by themselves and go home at the end of the week, where they transact business with the same degree of propriety and sobriety as is done in Washington, where Members come and bring their families with them.

Now, there is no equitable way that I know of fully determining the method of expenditure for bringing a man's family here. The gentleman from Mississippi [Mr. Sisson] suggests that 5 cents a mile each way will bring a man and his wife here. I do not know where it will do that. Possibly it will from Chicago, but I do not know. I know of no place in the country generally where you can travel at that rate. But a man and his wife are not the only members of many families. It is desirable that men who are elected to Congress have the ability to bring their children here, who ought to be under the control of the father and the mother. It is immaterial to me whether this amendment is agreed to or whether they pay mileage at all; but I know Members in this House whose mileage does not cover the expenditures which they make to bring their families to Washington. I believe that it is to the interest of the Government that the families of Members do come, as far as it is possible to bring them.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Indiana [Mr. Cox].

Mr. COX of Indiana. Mr. Chairman, there seems to be some question about the amendment. I ask unanimous consent to insert in my amendment the following words: "going to and returning from each session, for one trip only."

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to amend his amendment in certain particulars named by him. Is there objection?

There was no objection.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Indiana.

Mr. CANNON. What is the amendment?

The CHAIRMAN. The amendment will be reported again.

The Clerk read as follows:

After the word "residences" insert "in going to and returning from each session, for one trip only."

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Indiana.

The question was taken, and the Chairman announced that the "noes" appeared to have it.

Mr. COX of Indiana. A division, Mr. Chairman.

The House divided; and there were—ayes 21, noes 37.

Mr. COX of Indiana. I make the point that there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and three Members are present—a quorum. The Clerk will read.

The Clerk read as follows:

Office of the Vice President: Secretary to the Vice President, \$4,000; messenger, \$1,440; telegraph operator, \$1,500; telegraph page, \$600; in all, \$7,540.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I would like to inquire what are the duties of the telegraph operator to the Vice President and of the telegraph page. We abolished the telegraph instruments in the House apparently without any detriment to anyone except those who held the places. But why does the Vice President need a telegraph operator and a telegraph page—both?

Mr. JOHNSON of South Carolina. I will say to the gentleman that the telegraph office at the Senate end of the Capitol is not exclusively for the use of the Vice President, nor is the page exclusively for his use. It is simply a convenience provided for the use of the Senate.



Mr. MANN. That applies to the telegraph operator provided for by the Senate?

Mr. JOHNSON of South Carolina. Yes; to the telegraph operator provided for by the Senate. The Vice President appoints the messenger.

Mr. PALMER. Mr. Chairman, is it not a fact that the appropriation for the maintenance of this telegraph wire that formerly ran between the Capitol and the departments has been discontinued?

Mr. JOHNSON of South Carolina. Only as to the House of Representatives.

Mr. PALMER. Do they still maintain a telegraph line from the Capitol around to the departments?

Mr. JOHNSON of South Carolina. I understand that they do.

Mr. PALMER. It ought to be cut out.

Mr. MANN. I agree with the gentleman from Pennsylvania that it ought to be cut out.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Office of Secretary: Secretary of the Senate, including compensation as disbursing officer of salaries of Senators and of the contingent fund of the Senate, \$6,500; hire of horse and wagon for the Secretary's office, \$420; Assistant Secretary, Henry M. Rose, \$5,000; chief clerk, \$3,250; financial clerk, \$3,000 and \$1,250 additional while the office is held by the present incumbent; minute and journal clerk, principal clerk, reading clerk, and enrolling clerk, at \$3,000 each; executive clerk, and assistant financial clerk, at \$2,750 each; librarian, file clerk, chief bookkeeper, assistant journal clerk, two clerks, printing clerk, and clerk compiling a history of revenue bills, at \$2,500 each; first assistant librarian, \$2,400; keeper of stationery, \$2,400; compiler of Navy Yearbook and Senate report on river and harbor bill, \$2,220; indexer for Senate public documents and two clerks, at \$2,220 each; two clerks, at \$2,100 each; assistant librarian, \$1,800; assistant librarian, \$1,600; skilled laborer, \$1,200; clerk, \$1,800; clerk, \$1,600; assistant keeper of stationery, \$2,000; assistant in stationery room, \$1,200; messenger, \$1,440; assistant messenger, \$1,200; three laborers, at \$840 each; three laborers, at \$720 each; laborer in stationery room, \$720; in all, \$94,040.

Mr. CULLOP. Mr. Chairman, I desire to reserve a point of order against the following in the bill, on lines 16 and 17: "And \$1,250 while the office is held by the present incumbent." I desire to reserve a point of order against that part of it. I would like to ask the author of the bill or the gentleman in charge of the bill a question about that. Is the salary of this officer, the financial clerk, fixed by law at \$3,000 a year?

Mr. JOHNSON of South Carolina. No.

Mr. CULLOP. Why is it that it is proposed in this bill to say that this incumbent shall have an increase of \$1,250 while he holds the office?

Mr. JOHNSON of South Carolina. This appropriation has been carried in the bill for many years. It was put in by the Senate, and under the rules of comity that obtain between the House and the Senate we have no means of inquiring into the propriety of those expenditures that they make for their convenience and comfort.

Mr. FITZGERALD. Mr. Chairman, there is a different reason. The occupant of this place has not only occupied it for many years, but he is a peculiarly expert man. The Senate has done with reference to this officer what the House has done with reference to the clerk of the Committee on Appropriations. Everybody recognizes his peculiar fitness. They did not fix the compensation above a certain amount, but they felt that because of long years of faithful and efficient service this particular officer, while occupying the place, should be paid this additional sum, and that when he went out of the office his successor would be paid what it had been customary to pay prior to the time it was thought proper to give him this promotion.

Mr. CULLOP. With all due deference to that explanation, I think it would be proper, if the salary is to be raised, to raise it in the regular way. Everybody knows that if this is carried in this manner in the appropriation bill it means that this will be the permanent salary.

Mr. FITZGERALD. Oh, no.

Mr. CULLOP. That it will be the salary of the successor of this man. I do not think that is a proper way to raise the salaries of officers. If he is worth \$1,250 a year more than the salary, his salary ought to be increased by the amount of \$1,250 a year, and we ought not to carry it along in this way, in my judgment, because it means the fixing of the permanent salary at \$4,250 a year.

Mr. FITZGERALD. The gentleman is absolutely mistaken. Mr. Cleaves, who was connected with the Committee on Appropriations in the Senate for about 36 years, received during the latter years of his service \$1,000 additional to the usual compensation. Provision was made that during his incumbency that additional sum should be paid to him. When he died and his successor was appointed, that additional \$1,000 was dropped out of the appropriation bill. The purpose was to make it pos-

sible to fix adequate compensation for the men who, regardless of the change of political control of these two Houses, are retained, and perform faithful and peculiarly efficient service, by giving them additional compensation. When they go out of office, their successors are given the compensation fixed for the places.

The disbursing officer of the Senate has been receiving this compensation for many years, and it would be manifestly unfair to him at this time to attempt to reduce his compensation \$1,250.

Mr. CULLOP. How long has this gentleman held this position?

Mr. FITZGERALD. The clerk of the Committee on Appropriations says he has been there about 40 years.

Mr. CULLOP. How long has this item been carried in the bill in this way at the increased salary?

Mr. FITZGERALD. Six or eight years.

Mr. CULLOP. I think it ought to be dropped, and I move to amend by striking out, in lines 16 and 17, the words "and \$1,250 additional while the office is held by the present incumbent."

The CHAIRMAN. The gentleman from Indiana [Mr. CULLOP] withdraws his point of order and offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 2, lines 16 and 17, by striking out, after the figures "\$3,000," the words "and \$1,250 additional while the office is held by the present incumbent."

Mr. FOWLER. Mr. Chairman, I desire to reserve a point of order against this paragraph. I was on my feet for the purpose of doing so when the point of order was reserved by the gentleman from Indiana [Mr. CULLOP].

The CHAIRMAN. The gentleman from Illinois reserves the point of order against the item.

Mr. FITZGERALD. Is the gentleman going to make the point or not? This is the salary that this man has been receiving. If the gentleman intends to make the point of order, let him make it.

Mr. FOWLER. I make the point of order, Mr. Chairman.

Mr. FITZGERALD. I wish to submit to the Chair that it is not subject to the point of order. This man is receiving this particular sum for the current year, and under the rulings of the Chair where the compensation of an officer is not fixed by statute his compensation is the amount which he receives in the current appropriation act. This particular compensation, expressed in this particular form, is the compensation fixed by the current law.

The CHAIRMAN. The Chair does not understand whether this salary is fixed by statute.

Mr. FITZGERALD. It is not. It is only fixed by the current appropriation law.

Mr. CULLOP. Mr. Chairman, that was the reason why I made my motion to amend instead of making the point of order, because the gentleman from New York [Mr. FITZGERALD] had answered me that the salary was not fixed by law.

The CHAIRMAN. If this compensation is not statutory, the point is not well taken. If the gentleman from Illinois [Mr. FOWLER] has any statute provision fixing this salary, the Chair will hear it.

Mr. FOWLER. Mr. Chairman, I do not know whether there is a statute fixing this salary or not. I presumed that there was, as the salary had been fixed at \$3,000 and the appropriation for this has been carried for many years past at that amount. I have not taken the pains to look up this salary as to whether it is fixed by law or not. This bill came in and was printed last night, and this morning was the first opportunity I had for the purpose of making an examination of the bill.

The CHAIRMAN. The precedents are to the effect that where the salary is not fixed by statute the past and current appropriations make it law, and therefore the Chair overrules the point of order. The question recurs on the amendment offered by the gentleman from Indiana to strike out certain language.

The question was taken, and the amendment was lost.

The Clerk read as follows:

Clerks and messengers to the following committees: Additional Accommodations for the Library of Congress—clerk \$2,220, messenger \$1,440; Agriculture and Forestry—clerk \$2,500, assistant clerk \$1,800, messenger \$1,440; Appropriations—clerk \$4,000, two assistant clerks at \$2,500 each, two assistant clerks at \$1,440 each, messenger \$1,440, laborer \$720; To Audit and Control the Contingent Expenses of the Senate—clerk \$2,500, messenger \$1,440, messenger \$1,200; Canadian Relations—clerk \$2,220, messenger \$1,440, messenger \$1,200; Census—clerk \$2,220, assistant clerk \$1,200, messenger \$1,440; Civil Service and Retrenchment—clerk \$2,220, messenger \$1,440, messenger \$1,200; Claims—clerk \$2,500, assistant clerk \$2,000, assistant clerk \$1,440, messenger \$1,200; Coast and Insular Survey—clerk \$2,220, messenger \$1,440; Coast Defenses—clerk \$2,220, assistant clerk \$1,440, messenger \$1,200; Commerce—clerk \$2,500, assistant clerk \$1,800, messenger \$1,440; Conference Minority of the Senate—clerk \$2,220, assistant



clerk \$1,800, messenger \$1,200; Conservation of National Resources—clerk \$2,220, assistant clerk \$1,200, messenger \$1,440; Corporations Organized in the District of Columbia—clerk \$2,220, messenger \$1,440; Cuban Relations—clerk \$2,220, assistant clerk \$1,440, messenger \$1,200; Disposition of Useless Papers in the Executive Departments—clerk \$2,220, messenger \$1,440; District of Columbia—clerk \$2,500, assistant clerk \$1,800, messenger \$1,440; Education and Labor—clerk \$2,220, assistant clerk \$1,440, messenger \$1,200; Engrossed Bills—clerk \$2,220, messenger \$1,440; Enrolled Bills—clerk \$2,220, assistant clerk \$1,440; To Examine the Several Branches of the Civil Service—clerk \$2,220, messenger \$1,440; Expenditures in the Department of Agriculture—clerk \$2,220, messenger \$1,440; Expenditures in the Department of Commerce and Labor—clerk \$2,220, messenger \$1,440; Expenditures in the Interior Department—clerk \$2,220, messenger \$1,440, messenger \$1,200; Expenditures in the Department of Justice—clerk \$2,220, assistant clerk \$1,440; messenger \$1,440; Expenditures in the Navy Department—clerk \$2,220, messenger \$1,440, messenger \$1,200; Expenditures in the Post Office Department—clerk \$2,220, messenger \$1,440, messenger \$1,200; Expenditures in the Department of State—clerk \$2,220, messenger \$1,440; Expenditures in the Treasury Department—clerk \$2,220, messenger \$1,440, messenger \$1,200; Expenditures in the War Department—clerk \$2,220, messenger \$1,440, messenger \$1,200; Finance—clerk and stenographer \$3,000, assistant clerk \$2,220, assistant clerk \$1,600, assistant clerk \$1,440, messenger \$1,440; Fisheries—clerk \$2,220, assistant clerk \$1,440, messenger \$1,440; Five Civilized Tribes of Indians—clerk \$2,220, messenger \$1,440; Foreign Relations—clerk \$2,500, assistant clerk \$2,220, messenger \$1,440; Forest Reservations and Protection of Game—clerk \$2,220, messenger \$1,440; Geological Survey—clerk \$2,220, messenger \$1,440; Immigration—clerk \$2,220, assistant clerk \$1,800, messenger \$1,440; Indian Affairs—clerk \$2,500, assistant clerk \$1,440, messenger \$1,440; Indian Depredations—clerk \$2,220, messenger \$1,440; Industrial Expositions—clerk \$2,220, messenger \$1,440, messenger \$1,200; Intercoastal Canals—clerk \$2,220, assistant clerk \$1,440, messenger \$1,200; Interstate Commerce—clerk \$2,500, two assistant clerks at \$1,800 each, messenger \$1,440; To Investigate Trespassers on Indian Lands—clerk \$2,220, messenger \$1,440; Irrigation and Reclamation of Arid Lands—clerk \$2,220, messenger \$1,440, messenger \$1,200; Judiciary—clerk \$2,500, assistant clerk \$2,220, two assistant clerks at \$1,800 each, messenger \$1,440; Joint Committee on the Library—clerk \$2,500, assistant clerk \$1,440, messenger \$1,200; Manufactures—clerk \$2,500, assistant clerk \$1,440, messenger \$1,440; Military Affairs—clerk \$2,500, assistant clerk \$2,220, assistant clerk \$1,440, messenger \$1,200; Mines and Mining—clerk \$2,220, messenger \$1,440, messenger \$1,200; Mississippi River and Its Tributaries—clerk \$2,220, messenger \$1,440; National Banks—clerk \$2,220, messenger \$1,440; Naval Affairs—clerk \$2,500, assistant clerk \$1,440, messenger \$1,440; Pacific Islands and Porto Rico—clerk \$2,220, assistant clerk \$1,800, messenger \$1,440; Pacific Railroads—clerk \$2,220, messenger \$1,440; Patents—clerk \$2,220, messenger \$1,440, messenger \$1,200; Pensions—clerk \$2,500, assistant clerk \$1,800, three assistant clerks at \$1,440 each, messenger \$1,440; Philippines—clerk \$2,220, assistant clerk \$1,800, messenger \$1,440; Post Offices and Post Roads—clerk \$2,500, three assistant clerks at \$1,440 each, messenger \$1,440; Clerk of printing records \$2,220, assistant clerk \$1,800, messenger \$1,440; Private Land Claims—clerk \$2,220, assistant clerk \$1,800; Privileges and Elections—clerk \$2,220, assistant clerk \$1,440, messenger \$1,440; Public Buildings and Grounds—clerk \$2,500, assistant clerk \$1,440, messenger \$1,440; Public Health and National Quarantine—clerk \$2,220, assistant clerk \$1,440; Public Lands—clerk \$2,500, assistant clerk \$1,800, assistant clerk \$1,440, messenger \$1,440; Railroads—clerk \$2,220, messenger \$1,440; Revolutionary Claims—clerk \$2,220, messenger \$1,440; Rules—clerk \$2,220, assistant clerk \$1,800, messenger \$1,440; Standards, Weights, and Measures—clerk \$2,220, messenger \$1,440; Territories—clerk \$2,220, assistant clerk \$1,440, messenger \$1,440; Transportation and Sale of Meat Products—clerk \$2,220, messenger \$1,440; Transportation Routes to the Seaboard—clerk \$2,220, messenger \$1,440; University of the United States—clerk \$2,220, messenger \$1,440; Woman Suffrage—clerk \$2,220, messenger \$1,440; in all, \$370,940.

Mr. FOSTER. Mr. Chairman, I move to strike out the last word. I want to inquire of the gentleman in charge of the bill in relation to these clerks. I observe here that it has provided for clerks in the Senate to the amount of \$370,940, while for the clerks of the House the amount is \$162,230. I realize that this has been the practice for some time, but I want to inquire if the committee has ever made any investigation in reference to this matter of the great difference in the amount between the two Houses—the amount appropriated for the Senate clerks and messengers and janitors and those of the House. For instance, in the Post Office and Post Roads they have a clerk at \$2,500, three assistants at \$1,440 each, and a messenger at \$1,440; while in the House Post Office and Post Roads Committee, the committee that prepares the bill and gets it ready, they only have a clerk at \$2,500 and an assistant clerk at \$1,400 and a janitor at \$1,000. There seems to be a great difference in these two items.

Mr. BUTLER. Senators have more post offices than Members of the House.

Mr. FOSTER. The question with me is whether the committee has ever investigated this matter to ascertain if there was any real necessity for this large number of clerks or is it simply because the Senate has asked for them?

Mr. JOHNSON of South Carolina. The Committee on Appropriations of the House has no means of ascertaining the value of the work of clerks to Senate committees. I will say that the conference committee on the last legislative bill held out for many days and weeks against what the Senate was asking for, but it is simply impossible to get this bill through without giving them the clerical help they think they need.

Mr. FOSTER. So they simply make the claim that they need this great number of clerks.

Mr. JOHNSON of South Carolina. We can not contradict their statement or prove that it is not true.

Mr. COX of Indiana. Mr. Chairman, I want to ask a question. I have not had time to compare the present bill with the last bill, but I want to ask the gentleman in charge of the bill when did the clerk to the Committee on Woman Suffrage creep into the appropriation bill?

Mr. JOHNSON of South Carolina. I do not know, but they have such a committee there and it has a chairman.

Mr. COX of Indiana. This is the first time that I ever saw it carried in an appropriation bill.

Mr. FITZGERALD. It has been in the bill right along.

Mr. COX of Indiana. For how many years?

Mr. FITZGERALD. I do not remember, but long enough.

The Clerk read as follows:

Office of Sergeant at Arms and Doorkeeper: Sergeant at Arms and Doorkeeper, \$6,500; horse and wagon for his use, \$420, or so much thereof as may be necessary; Assistant Sergeant at Arms, \$2,500; Assistant Doorkeeper, \$2,592; Acting Assistant Doorkeeper, \$2,592; 4 messengers, acting as assistant doorkeepers, \$1,800 each; 37 messengers, at \$1,440 each; 2 messengers on the floor of the Senate, at \$2,000 each; messenger at card door, \$1,600; clerk on Journal work for CONGRESSIONAL RECORD, to be selected by the official reporters, \$2,000; storekeeper, \$2,220; upholsterer and locksmith, \$1,440; cabinetmaker, \$1,200; 3 carpenters, at \$1,080 each; janitor, \$1,200; 4 skilled laborers, at \$1,000 each; skilled laborer, \$900; laborer in charge of private passage, \$840; 3 female attendants in charge of ladies' retiring room, at \$720 each; chief telephone operator, \$1,200; 2 telephone operators, at \$900 each; night telephone operator, \$720; telephone page, \$720; superintendent of press gallery, \$1,800; assistant superintendent of press gallery, \$1,400; laborer, \$840; 27 laborers, at \$720 each; 16 pages for the Senate Chamber, at the rate of \$2.50 per day each during the session, \$8,440; in all, \$136,244.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I notice an item is carried here for pages for the session at two and a half dollars per day. The computation is for 211 days. I notice that the bill provides that wherever the words "during the session" occur it shall mean 211 days from December 1 to June 30.

Mr. JOHNSON of South Carolina. These estimates were submitted by the Secretary of the Treasury.

Mr. MANN. I understand that the arithmetical computation was made by the Secretary of the Treasury, but probably not personally. It amounts to 212 days, as anybody can easily see, and I wondered whether it was desired to have it accurate.

Mr. JOHNSON of South Carolina. It will be corrected. This is a Senate matter.

Mr. MANN. It is immaterial to me whether they appropriate a sufficient amount or not; I do not know whether it ever is expended or not.

The Clerk read as follows:

For mileage of Representatives and Delegates and expenses of Resident Commissioners, \$175,000.

Mr. COX of Indiana. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Amend by striking out the period at the end of line 7, page 12, and insert a colon and add:

"Provided, That hereafter Members of Congress, Delegates from Territories, and Resident Commissioners from Porto Rico and the Resident Commissioners from the Philippine Islands shall be paid only their actual traveling expenses while traveling from their residences by the usual route of travel to Washington City and return once for each session of Congress, and which sums of money shall be paid out on the certificate of the Member of Congress, the Delegates from Territories, Resident Commissioners from Porto Rico, and Resident Commissioners from the Philippine Islands and not otherwise."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Indiana.

Mr. COX of Indiana. Mr. Chairman, I do not desire to detain the committee but a moment. In response to what the gentleman from Tennessee [Mr. Sims] said a moment ago, when the other amendment was under discussion before the House—and I regret he is not now in the Chamber—there may be evils along the line that he suggested, and if there be any let him go to work and correct them. A part of his speech, I take it, was not addressed to me personally. I think every Member of this House knows that last year I could not be here.

Mr. MANN. Oh, the gentleman ought to know that the gentleman from Tennessee did not refer to him. In the absence of the gentleman from Tennessee [Mr. Sims], permit me to suggest to the gentleman from Indiana that his statement is entirely unnecessary, and he is too sensitive. The gentleman from Tennessee carefully stated that he referred to absence on account of important business, and the gentleman from Tennessee explained to me that he did not wish the gentleman from Indiana to think his remarks were personal to the gentleman from Indiana.

Mr. COX of Indiana. I take it for granted that they were not personal.



Mr. MANN. And I think the Members of the House understood.

Mr. COX of Indiana. I want to take this occasion here to say that I have never, during the six years I have served in this House, asked to be excused on account of important business. Only one business has ever kept me away from this House, and I do not care anything about discussing that.

I desire to reply to what my friend from Illinois, who said a moment ago when the other amendment was up, about our not being able to bring our families here if either of these amendments should obtain, without paying their expenses out of our own pocket. The people in our districts do not vote for the members of our families, but they voted for us, and while I am in thorough accord with the gentleman from Illinois in that every Member of Congress, if it be within his power, should bring his family here, yet I do not believe that the family should be brought here at the expense of the people of this country.

I desire to enlarge a little on the course that we have pursued in this House. I do not understand how a Member of Congress can justify himself in voting against this amendment when he stood in this caucus and voted against appropriating one dollar to pay the little employees of this House an extra month's salary, because, forsooth, they have never been allowed mileage. I always understood that during the time that the Republican Party had control of this House the month's salary was allowed to the employees of the House to compensate them because of the fact they were not allowed mileage and in a measure to equalize and justify the mileage which the Members of Congress appropriated to themselves. I am not quarreling about that. In my candid judgment the position assumed by that side of the House was much more equitable and just than the position which this side of the House is assuming to-day. I believe that the country thoroughly approved the course which our party adopted in cutting out that extra month's salary allowed to the employees. I think that the country believes that the employee who wanted the job and knew exactly what the pay was before he took it was perfectly willing to pay his traveling expenses here to assume the job with the burden it carried. I think the country is in accord with us upon the theory that we did right in cutting it out. We give to ourselves 20 cents a mile. Is it right, is it just, is it equitable, are we dealing with our own employees upon a just basis? I appeal to the Members upon this side of the House. I believe, as I said a while ago, that the entire traveling allowance for all Government employees should be put upon an actual cost basis, or else wipe it all out. It is not alone to us that this applies, but it should apply to various other branches of the Government, and if we on this side of the House are in good faith trying to work out economies along this line, we can save the country approximately \$1,000,000 a year; but can we do it? Can we afford to take from the Army officers of this country their 7 cents a mile unless we take out ours? Can we afford to put the Army officers of this country upon an actual travel pay unless we put ourselves upon that basis?

The CHAIRMAN. The time of the gentleman has expired.

The question was taken, and the Chairman announced that the yeas seemed to have it.

On a division (demanded by Mr. Cox of Indiana) there were—ayes 18, yeas 40.

Mr. COX of Indiana. Mr. Chairman, I make the point of order there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred Members are present, and there is a quorum in the committee.

Mr. RODDENBERRY. Mr. Chairman, I offer the following amendment: After the words "one hundred and seventy-five thousand dollars" insert.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

*Provided, That not in excess of 10 cents a mile by nearest route be allowed for mileage in any event for one trip to or from Washington for each Member during a session of Congress.*

Mr. RODDENBERRY. Mr. Chairman, it is evident from the vote of the committee just had on the two amendments offered by the gentleman from Indiana [Mr. Cox] that the temper of the committee is not such as to reduce the mileage of Members and Senators to the actual expenses of travel. I supported both amendments offered by the gentleman from Indiana and now offer this amendment as a fair, reasonable compromise and concession in the matter if it should be the disposition of the committee to reduce the present 20-cent mileage. It occurs to me, Mr. Chairman, that 10 cents a mile each way, cutting half in two the present mileage, is fair, and will allow a Member who may desire to bring his wife and an additional member of his family actual traveling expenses, and at the same time extracts

from the existing law that phase that the public can not fully comprehend, which is, Why is it under the name of mileage 20 cents a mile each way should be allowed a Member of Congress for railroad fare, when 2 cents is the usual rate? I favor this amendment for the sake of the policy that it involves rather than the amount of money it saves. No great sum, viewed from the standpoint of appropriations for the support of the Government, will be saved if this amendment is adopted, or if the amendments of the gentleman from Indiana were adopted, but when we deal with what is nominally an allowance for our expenses in coming to and from Washington it seems to me that we might by adopting this amendment occupy a ground that would be better comprehended by the public and appropriate a sum adequate for our expenses where our families are not unusually large. I trust that the committee may give to this amendment favorable consideration. Viewing the entire mileage proposition in its present light and recognizing that session after session this question of 20 cents a mile each way for a Member of Congress from his home arises, and it will continue to arise, we may well adopt 10 cents for traveling expenses instead of the 20 cents.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. FOWLER. Mr. Chairman, I desire to ask the gentleman a question.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOWLER. I ask for an extension of his time for one minute.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FOWLER. I desire to know why the gentleman did not include Senators in his amendment as well as Members of the House.

Mr. RODDENBERRY. The Senate provision has already been passed and that of Representatives just reached. If the House should place this limitation now upon the mileage of Members, as a matter of course the limitation could be placed by recurrence to the Senate provision. I have no objection to its being placed in at this time, if such amendment be offered. I propose this amendment with no personal element involved. When I come on to Washington with my crowd I bring a wife and four other passengers who pay full fare, and in the course of a year or two will have another one paying full fare. As a general policy, however, it seems to me wise and right to at least cut the present allowance for travel from 20 cents a mile to 10 cents. Therefore the pending amendment is addressed to the judgment of Members.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Georgia.

The question was taken, and the Chairman announced the yeas had it.

On a division (demanded by Mr. RODDENBERRY) there were—ayes 16, yeas 51.

So the amendment was rejected.

Mr. COX of Indiana. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

*Provided, That hereafter not more than 5 cents a mile shall be paid to Members of Congress, Delegates, and Resident Commissioners of Porto Rico and the Philippine Islands, for one trip in traveling from their homes to Washington City and return, traveling by the usual and ordinary route of travel.*

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. Cox].

The question was taken, and the Chair announced that the yeas seemed to have it.

Mr. COX of Indiana. Division, Mr. Chairman.

The committee divided; and there were—ayes 15, yeas 48.

So the amendment was rejected.

Mr. COX of Indiana. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the Record.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to revise and extend his remarks in the Record on this subject. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, I simply would like to ask the gentleman whether in extending his remarks in the Record it is his intention to represent the Members of Congress outside of those who agree with him as a kind of crook, trying to grab money out of the Treasury without being entitled to it; whether he expects to show in his remarks that his associates in Congress are far beneath him on the question of honesty and honor?

Mr. COX of Indiana. Mr. Chairman, I am astonished at the gentleman from Illinois.



Mr. MANN. The gentleman is not more astonished at me than I have been at him this afternoon.

Mr. COX of Indiana. He has certainly never found anything inserted in the Record yet which I have put in by unanimous consent with which he could find any criticism whatever.

Mr. MANN. I frankly say that I never have.

Mr. COX of Indiana. And I frankly say that I would not, under leave to print, print that which I would not say on the floor of this House in the presence of every man here.

Mr. MANN. I have no objection to the gentleman stating facts as long as he does not impugn the motives of Members of Congress, and there is a great temptation to do it, I have noticed, from gentlemen who have made this proposition.

The CHAIRMAN. The gentleman from Indiana [Mr. Cox] asks unanimous consent to extend his remarks in the Record on this subject. Is there objection? [After a pause.] The Chair hears none. The Clerk will read.

The Clerk read as follows:

Office of the Clerk: Clerk of the House of Representatives, including compensation as disbursing officer of the contingent fund, \$6,500; hire of horse and wagon for use of the Clerk's office, \$900, or so much thereof as may be necessary; Chief Clerk, \$4,500; Journal clerk, and two reading clerks, at \$4,000 each; disbursing clerk, \$3,400; tally clerk, \$3,300; file clerk, \$3,250; enrolling clerk, \$3,000; chief bill clerk, \$3,000; assistant to Chief Clerk, and assistant enrolling clerk, at \$2,500 each; assistant disbursing clerk, \$2,400; stationery clerk, \$2,200; librarian, \$2,100; assistant file clerk, \$1,900; two assistant librarians, and one clerk, at \$1,800 each; three clerks, at \$1,680 each; bookkeeper, and assistant in disbursing office, at \$1,600 each; four assistants to chief bill clerk, at \$1,500 each; stenographer to Clerk, \$1,400; locksmith, who shall be skilled in his trade, \$1,300; messenger in Chief Clerk's office, and assistant in stationery room, at \$1,200 each; messenger in file room, messenger in disbursing office, and assistant in House library, at \$1,100 each; stenographer to chief bill clerk, \$1,000; three telephone operators, at \$900 each; three telephone session operators, at \$75 per month each from December 1, 1913, to June 30, 1914; telephone operator, \$900; for services of a substitute telephone operator when required, at \$2.50 per day, \$200; two laborers in the bathroom, at \$900 each; two laborers, and page in enrolling room, at \$720 each; allowance to Chief Clerk for stenographic and typewriter services, \$1,000; in all, \$92,825.

Mr. FOWLER. Mr. Chairman, I reserve a point of order to this paragraph. I desire to ask the chairman of the committee wherein the \$575 is for which is proposed in this paragraph more than was appropriated for the same purpose in the bill during the last session.

Mr. JOHNSON of South Carolina. This bill provided for some people who were paid for the session only, and the bill that was passed last year provided for the short term of Congress, from December to March, and this bill provides for the long session.

Mr. FOWLER. Does it come in the item of three telephone session operators, at \$75 a month each, from December 1, 1913, to June 30, 1914? I compared it carefully with the law passed at last session, and I could not find where the discrepancy came in unless it comes in with the item I have referred to.

Mr. JOHNSON of South Carolina. We have not changed any rate of salary, and have not provided for anybody who is not provided for by law.

Mr. FOWLER. The bill last year provided for \$92,250. Now this provides for \$92,825. I have compared it carefully, and I have been unable to detect wherein the amounts for the several items in this bill differ from those in the law of last session.

Mr. JOHNSON of South Carolina. The gentleman can understand very well that the session employees who are paid from December to March would not get as much as the session employees who are paid from the 1st of December to the following July.

Mr. FOWLER. They are only for the telephone operators who are so employed?

Mr. JOHNSON of South Carolina. That is all.

Mr. FOWLER. And it must appear in that item?

Mr. MANN. That is what it is. That is the amount of money.

Mr. GARRETT. Mr. Chairman, I ask unanimous consent to return to line 5 on page 12, for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from Tennessee [Mr. GARRETT] asks unanimous consent to return to line 5, page 12, for the purpose of offering an amendment.

Mr. JOHNSON of South Carolina. What is the amendment, Mr. Chairman? I reserve the right to object. I want to know what it is.

Mr. GARRETT. I said it was for the purpose of offering an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

At the end of line 5, add:

"Provided, That no part of this appropriation shall be expended in the payment of any salary to any Member, Delegate, or Resident Commissioner for any time prior to the filing of his certificate of election with the Clerk of the House of Representatives."

Mr. JOHNSON of South Carolina. Mr. Chairman, I can not consent to go back in the bill.

Mr. GARRETT. Mr. Chairman, will the gentleman withhold his objection for a moment, while I explain exactly what it is? The amendment may not be clear.

The CHAIRMAN. Does the gentleman from South Carolina reserve his objection?

Mr. JOHNSON of South Carolina. I reserve it.

Mr. GARRETT. Mr. Chairman, the purpose of the amendment is this: I understand that it is now the law, where a vacancy occurs, by death or otherwise, from a district and that vacancy is filled by an election held some time subsequent, no matter how long, that when the Member so elected to fill the vacancy takes his seat as a Member of the House he draws the salary from the date of the death of his predecessor. Now, Mr. Chairman, that is the law, as I understand it.

Mr. MANN. Does the gentleman yield for a question?

Mr. FITZGERALD. There is no such law.

Mr. GARRETT. Has it not been the practice?

Mr. FITZGERALD. The practice has been that when a Member is elected to fill a vacancy the compensation has accumulated. Nobody has ever discovered any law authorizing it, and in some instances Members have declined to draw the money.

Mr. MANN. Would the gentleman from Tennessee explain what would happen under the gentleman's provision if some one is seated by the House? He does not file any certificate of election. Would he not be entitled to any pay?

Mr. GARRETT. Oh, of course the gentleman knows my amendment does not contemplate that.

Mr. MANN. The gentleman's amendment covers it, whether it contemplates it or not. I have just read the gentleman's amendment. It not only covers that, but it would also cover any time until the certificate of election is filed.

Mr. GARRETT. Of course I did not have that in mind.

Mr. MANN. That is the reason why I called the gentleman's attention to it.

Mr. FITZGERALD. I suggest that the gentleman from Tennessee be permitted to make his statement about it.

Mr. GARRETT. Mr. Chairman, if it be, then, the practice and not the law, then the law and not the practice should prevail. It has at least been a custom long continued in the House, and no reflection, of course, is intended by me on any Member who has taken the salary, because it is the custom. But, Mr. Chairman, there is no reason for, there is no equity in, the payment, by custom or by law, of a salary that accumulates before a man ever takes his seat in this House or before he is even elected.

Mr. MANN. Mr. Chairman, would not the gentleman yield for another question?

Mr. GARRETT. Certainly.

Mr. MANN. Supposing the Member, as was the case in the last Congress, was unseated in the House and the contestant was sworn in. Does the gentleman from Tennessee desire to have the contestant receive the pay only from the time he was sworn in?

Mr. GARRETT. No; I think in equity the contestant ought to draw the salary.

Mr. MANN. What difference is there between them? The contestee has been serving, and has been receiving the pay. Why should the contestant be paid if he was not serving, was not here, had nothing to do, and rendered no service?

Mr. GARRETT. That, of course, was not the fault of the contestant. There is an equity there. I think the gentleman recognizes a decided difference in the equity between the case I have presented and the case he presents. Does the gentleman from South Carolina object to returning to that point in the bill?

Mr. JOHNSON of South Carolina. Mr. Chairman, the discussion that is going on between the gentleman from Tennessee [Mr. GARRETT] and the gentleman from Illinois [Mr. MANN] shows that it is a matter that ought to be referred to some committee having jurisdiction. I do not want to be discourteous, but I can not consent to go back in the bill.

The CHAIRMAN. The gentleman from South Carolina objects. The Clerk will read.

Mr. LAFFERTY. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Oregon offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 13, line 16, after the word "each," strike out the semicolon and insert the following:

"Provided, That the bathroom shall remain open during the sessions of Congress until 7 o'clock at night."



Mr. FITZGERALD. I make the point of order that that is legislation.

Mr. JOHNSON of South Carolina. We have passed the paragraph.

Mr. FITZGERALD. That makes no difference. It is legislation anyway, and subject to the point of order.

The CHAIRMAN. The gentleman from New York makes the point of order that this amendment is legislation.

Mr. LAFFERTY. If the gentleman will reserve his point of order—

Mr. FITZGERALD. Oh, no; it is a matter that ought not to be in this bill at all.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

Clerks, messengers, and janitors to the following committees: Accounts—clerk \$2,500, assistant clerk \$1,800, janitor \$1,000; Agriculture—clerk \$2,500, assistant clerk \$1,800, janitor \$1,000; Appropriations—clerk \$4,000, and \$1,000 additional while the office is held by the present incumbent, assistant clerk and stenographer \$2,500, assistant clerk \$1,900, janitor \$1,000; Banking and Currency—clerk \$2,000, assistant clerk \$1,200, janitor \$720; Census—clerk \$2,000, janitor \$720; Claims—clerk \$2,500, assistant clerk \$1,200, janitor \$720; Coinage, Weights, and Measures—clerk \$2,000, janitor \$720; District of Columbia—clerk \$2,500, assistant clerk \$1,800, janitor \$720; Elections No. 1—clerk \$2,000, janitor \$1,000; Elections No. 2—clerk \$2,000, janitor \$720; Elections No. 3—clerk \$2,000, janitor \$720; Enrolled Bills—clerk \$2,000, janitor \$720; Foreign Affairs—clerk \$2,500, assistant clerk \$1,800, janitor \$720; Immigration and Naturalization—clerk \$2,000, janitor \$720; Indian Affairs—clerk \$2,500, assistant clerk \$1,800, janitor \$720; Industrial Arts and Expositions—clerk \$2,000, janitor \$720; Insular Affairs—clerk \$2,000, janitor \$720; Interstate and Foreign Commerce—clerk \$2,500, additional clerk \$2,000, assistant clerk \$1,500, janitor \$1,000; Irrigation of Arid Lands—clerk \$2,000, janitor \$720; Invalid Pensions—clerk \$2,500, stenographer \$2,190, assistant clerk \$2,000, janitor \$1,000; Judiciary—clerk \$2,500, assistant clerk \$1,600, janitor \$720; Labor—clerk \$2,000, janitor \$720; Library—clerk \$2,000, janitor \$720; Merchant Marine and Fisheries—clerk \$2,000, janitor \$720; Military Affairs—clerk \$2,500, assistant clerk \$1,500, janitor \$1,000; Naval Affairs—clerk \$2,400, assistant clerk \$1,500, janitor \$1,000; Patents—clerk \$2,000, janitor \$720; Pensions—clerk \$2,500, assistant clerk \$1,600, janitor \$720; Post Offices and Post Roads—clerk \$2,500, assistant clerk \$1,400, janitor \$1,000; Printing—clerk \$2,000, janitor \$1,000; Public Buildings and Grounds—clerk \$2,500, assistant clerk \$1,200, janitor \$720; Public Lands—clerk \$2,000, assistant clerk \$1,200, janitor \$720; Revision of the Laws—clerk \$2,000, janitor \$720; Rivers and Harbors—clerk \$2,500, assistant clerk \$1,800, janitor \$1,000; Rules—clerk \$2,000, janitor \$720; Territories—clerk \$2,000, janitor \$720; War Claims—clerk \$2,500, clerk to continue Digest of Claims under resolution of March 7, 1888, \$2,500, assistant clerk \$1,200, janitor \$720; Ways and Means—clerk \$3,000, assistant clerk and stenographer \$2,000, assistant clerk \$1,900, janitor \$1,000, janitor \$720; in all, \$162,230.

Mr. LAFFERTY. Mr. Chairman, I move to strike out the last word. I do so for the purpose of calling the attention of Members of the House to the amendment I offered a while ago, which was ruled out on a point of order.

The Government has expended thousands of dollars to provide a bathroom in the House Office Building. The bathtubs, towels, and everything have been provided at Government expense. This bill carries an appropriation of \$1,800 to employ two colored gentlemen over there to look after the establishment, but they close up at 6 o'clock sharp every evening. If any Member of this House desires to go over there after adjournment this evening to take a bath, he will be unable to do so. There is no reason why a mandatory provision should not be put in this bill requiring that the bathroom shall remain open till 7 o'clock p. m.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. LAFFERTY. Yes.

Mr. FITZGERALD. Does the gentleman from Oregon think these two colored gentlemen who work all day should work all night as well?

Mr. LAFFERTY. I contend that no man should work more than eight hours a day at any occupation, but there are two of these colored gentlemen, and there is no reason why one of them should not work part of the day and the other one the other part.

Mr. FITZGERALD. They are both busy giving baths to Members during the daytime.

Mr. LAFFERTY. One of these gentlemen is a masseur and the other is a corn doctor, and they ply their occupations during the daytime, receiving tips from each individual whom they wait upon, and incidentally they perform the services for which they receive \$900 a year each. For that reason I say they should be required to devote their services to the Government of the United States.

I would not have voted in the first place to put a bathroom in the House Office Building for the use of Members of the House of Representatives, but as long as it is there, I say these gentlemen, who are serving the Government, should be required to stay there at least until the hour the House usually adjourns. But I do not go that far in my amendment. I only require that they wait there until 7 o'clock.

Mr. MANN. There are plenty of places in hotels and elsewhere where bathrooms are open all night.

Mr. FITZGERALD. There is a commission, a superintendent, and a custodian in charge of that building. Any complaint which the gentleman may have as to the hours of labor of the various gentlemanly employees in the building could properly be presented to them. I do not think it makes much difference in the gentleman's attitude to assert that he would not have voted to put a bathroom in the building, but that as long as it was put in before he came to Congress he is perfectly willing to avail himself of the facilities afforded, not only in the daytime, which seems to be sufficient to satisfy everybody else, but even in the unseemly hours of the night.

Mr. OLMSTED. Mr. Chairman, some few years ago I stopped at a large and fashionable hotel in Richmond, Va., where in each bedroom there was posted on the wall a notice giving the rates charged for the use of the room and cautioning guests to put their valuables in the safe, and below that there was this:

N. B.—Massage treatment on the office floor.

I have no doubt that in the gentleman's hotel he can get massage either on the office floor or elsewhere, and can also take a bath; or it would perhaps obviate the difficulty if he would obtain permission of the House to absent himself while the House is in session and take a bath over here in the daytime. It seems to me it is unnecessary to make these colored men work more than 8 or 10 hours a day to accommodate Members who want to take a bath at night.

Mr. LAFFERTY. The gentleman from Pennsylvania is going out of Congress, and I do not think he has taken a bath very often while he has been here.

Mr. OLMSTED. I have never taken one at the expense of the public, here or elsewhere.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

For nine clerks to committees, at \$6 each per day during the session, \$11,340.

Mr. JOHNSON of South Carolina. Mr. Chairman, I have an amendment to offer.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 16, line 9, strike out \$11,340 and insert in lieu thereof \$11,448.

The amendment was agreed to.

The Clerk read as follows:

Office of Doorkeeper: Doorkeeper, \$5,000; hire of horses and wagons and repairs of same, \$1,200, or so much thereof as may be necessary; special employee, John T. Chancey, \$1,800; special employee, \$1,500; superintendent of reporters' gallery, \$1,400; janitor, \$1,500; 16 messengers, at \$1,180 each; 14 messengers on the soldiers' roll, at \$1,200 each; 15 laborers, at \$720 each; laborer in the water-closet, \$720; laborer, \$680; 2 laborers, known as cloakroom men, at \$840 each; 8 laborers, known as cloakroom men, 2 at \$720 each, and 6 at \$600 each; female attendant in ladies' retiring room, \$800; superintendent of folding room, \$2,500; foreman, \$1,800; 3 clerks, at \$1,600 each; messenger, \$1,200; janitor, \$720; laborer, \$720; 32 folders, at \$900 each; 2 drivers, at \$840 each; 2 chief pages, at \$1,200 each; 2 messengers in charge of telephones (one for the minority), at \$1,200 each; 46 pages, during the session, including 2 riding pages, 4 telephone pages, press-gallery page, and 10 pages for duty at the entrances to the Hall of the House, at \$2.50 per day each, \$23,150; superintendent of document room, \$2,900; assistant superintendent, \$2,100; clerk, \$1,700; assistant clerk, \$1,600; assistants—7 at \$1,280 each, one at \$1,100; janitor, \$920; messenger to press room, \$1,000; in all, \$158,250.

Mr. FOWLER. Mr. Chairman, I reserve a point of order on line 10, page 17, two messengers in charge of telephones. The last bill contained but one.

Mr. JOHNSON of South Carolina. There is no increase in the force.

Mr. FITZGERALD. There have always been two messengers.

Mr. FOWLER. The appropriation for this same item was \$13,800 in last year's bill. Now it is \$23,150. What is the necessity for the increase?

Mr. JOHNSON of South Carolina. That is due to the fact that we are now appropriating for the long session of Congress, while in the last bill we appropriated for the short session.

Mr. FOWLER. Is it all due to that?

Mr. JOHNSON of South Carolina. It is all due to that. We have not provided for a single person in the House force that has not been provided for by law. We have created no new offices and have increased no salary. Any differences that may appear in the paragraphs are caused by people being transferred from one paragraph to another, or from one bill to another, and from the fact that this is appropriating for the long session instead of the short. There is no change in the law as to the number of offices or rate of compensation.

Mr. FOWLER. Mr. Chairman, with that explanation, I withdraw the point of order.



The Clerk read as follows:

Office of Doorkeeper, Doorkeeper, \$5,000; hire of horses and wagons and repairs of same, \$1,200, or so much thereof as may be necessary; special employee, John T. Chancey, \$1,800; special employee, \$1,500; superintendent of reporters' gallery, \$1,400; janitor, \$1,500; 16 messengers, at \$1,180 each; 14 messengers on the soldiers' roll, at \$1,200 each; 15 laborers, at \$720 each; laborer in the water-closet, \$720; laborer, \$680; 2 laborers, known as cloakroom men, at \$840 each; 8 laborers, known as cloakroom men, 2 at \$720 each, and 6 at \$600 each; female attendant in ladies' retiring room, \$800; superintendent of folding room, \$2,500; foreman, \$1,800; 3 clerks, at \$1,600 each; messenger, \$1,200; janitor, \$720; laborer, \$720; 32 folders, at \$900 each; 2 drivers, at \$840 each; 2 chief pages, at \$1,200 each; 2 messengers in charge of telephones (1 for the minority), at \$1,200 each; 46 pages, during the session, including 2 riding pages, 4 telephone pages, press-gallery page, and 10 pages for duty at the entrances to the Hall of the House, at \$2.50 per day each, \$23,150; superintendent of document room, \$2,900; assistant superintendent, \$2,100; clerk, \$1,700; assistant clerk, \$1,600; assistants—7 at \$1,280 each, 1 at \$1,100; janitor, \$920; messenger to press room, \$1,000; in all, \$158,250.

Mr. JOHNSON of South Carolina. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 17, in line 14, strike out "\$23,150" and insert "\$24,380." In line 18, strike out "\$158,250" and insert in lieu thereof "\$159,480."

The amendment was agreed to.

The Clerk read as follows:

For clerk to the conference minority of the House of Representatives, \$2,000; assistant clerk, \$1,200; janitor, \$1,000; in all, \$4,200. Said clerk, assistant clerk, and janitor to be appointed by the chairman of the conference minority.

Mr. JOHNSON of South Carolina. Mr. Chairman, I desire to offer the following amendment.

The Clerk read as follows:

For messenger in the minority caucus room, \$1,200; and for messenger in the majority caucus room, \$1,200.

Mr. JOHNSON of South Carolina. Mr. Chairman, these two places are carried in the deficiency bill of last year, and it was desired that all of the employees of the House should be provided for in this bill, and so they are brought forward from another appropriation bill.

Mr. BARTLETT. May I inquire if the House did not pass a resolution providing for their continuation to June, 1913?

Mr. MANN. There was a resolution passed first by the House, and then it was put in the deficiency bill in conformity with the resolution.

Mr. FITZGERALD. Mr. Chairman, I am familiar with the matter. In the last session the request was made of the Committee on Appropriations to carry these two messengers as they had been provided at other times. No resolution had been adopted by the House upon the report of the Committee on Accounts. The Committee on Appropriations thought that was the authority needed to give the Committee on Appropriations authority to provide for the messengers in the legislative bill. Subsequently the Committee on Accounts reported a resolution providing for these messengers, and when the deficiency bill was before the House provision was made for them in accordance with the resolution.

Mr. BARTLETT. My recollection from the Record is that the resolution in the deficiency bill carried them to the 1st of July, 1913, and the statement was made, as I recall, that that was the intention only to provide for them to that time. This provides for them from the 1st of July, 1913, to the 1st of July, 1914.

Mr. FITZGERALD. Under repeated rulings, once an employee has been authorized by resolution of the Committee on Accounts it is in order to carry him on the legislative bill.

Mr. BARTLETT. I want to say to the gentleman that I have made no point of order against this.

Mr. FITZGERALD. I understand; I am explaining the reason for this action. At the last session the committee declined to carry them because there had been no resolution. They were originally put in the bill by the Senate.

Mr. BARTLETT. That is correct.

Mr. FITZGERALD. When the Committee on Appropriations made up the bill for the current year, as there had been no resolution adopted by the House, the committee refused to carry these messengers. Subsequently the Committee on Accounts took the matter up and the House adopted the resolution and they were carried in the deficiency bill.

Mr. MANN. Mr. Chairman, I think this appropriation should be made, but it seems to me there ought to be a provision made as to the method of the appointment of these messengers. Would there be any objection to providing in the bill directly that they shall be appointed by the respective whips of the two sides? These messengers, while they are called messengers to the caucus rooms, have been and are intended to be, so I understand, messengers for the two whips of the two sides of the House. The whips need the men to help do the work in getting Members here and in keeping Members advised as to what

is going on in the House. It seems to me the whips ought to make these appointments.

Mr. JOHNSON of South Carolina. We understand that these employees are to aid the whips of the respective sides of the House. I supposed they would make the appointments. I have no objection to an amendment that will so provide.

Mr. MANN. In the resolution which was first passed in the deficiency appropriation bill, the men were specifically named. That is all right as far as it goes, because they were named by the two whips of the two sides of the House, but the whips will be different in the next Congress, possibly—certainly, on this side. The whip on this side of the House is elected by the caucus, and I suppose that is true of the gentleman's side of the House.

Mr. BARTLETT. Yes.

Mr. MANN. So that when they are elected, it seems to me, they ought to have the naming of the men who are to do the work under them. I have prepared an amendment putting it all in one item:

To continue the employment of messengers in the majority and minority caucus rooms, to be appointed by the minority and majority whips, respectively, at \$1,200 each; in all, \$2,400.

Mr. JOHNSON of South Carolina. I have no objection to that, and I will withdraw the amendment that I have and offer that one.

The CHAIRMAN. The gentleman from South Carolina offers the following amendment, which the Clerk will read.

The Clerk read as follows:

After line 3, page 19, insert:

"To continue the employment of messengers in the majority and minority caucus rooms, to be appointed by the majority and minority whips, respectively, at \$1,200 each; in all, \$2,400."

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina.

Mr. FOWLER. Mr. Chairman, I make the point of order against that. There is a method of appointing employees in this House, which was adopted at the beginning of the Sixty-second Congress and is in force now, whereby the employees of the House are selected, and a committee for that purpose is now in existence.

Mr. FITZGERALD. But the gentleman misunderstands. This is not a change of the present practice. These two messengers are authorized and provided for and have practically been appointed by the two whips, as designated here.

Mr. FOWLER. That may be true now, and may have been so in the past.

Mr. FITZGERALD. They were at the time of the arrangement of which the gentleman speaks.

Mr. FOWLER. I do not so understand it. I do not understand that there was any exception made whatever. If you lay down the bars in the case of these two messengers, you may just as well lay down the bars in every other sense of the word and let it all go back to the Speaker of the House.

Mr. FITZGERALD. The gentleman is mistaken. There is only one place that might be affected. The minority employees were never selected by any committee of the majority. One of these is for the minority caucus room and the other is for the majority caucus room. At the time the Democratic caucus adopted the rule appointing a patronage committee this was not one of the places that was distributed as patronage in that way. The occupant was selected by the Democratic whip.

Mr. FOWLER. Is there any reason why these employees should be selected different from other employees?

Mr. FITZGERALD. Yes; there is.

Mr. FOWLER. And was there any exception made at the time of our caucus rule?

Mr. FITZGERALD. There is a reason for it.

Mr. MANN. Mr. Chairman, will my colleague permit an interruption for a moment?

Mr. FOWLER. Yes.

Mr. MANN. This would not affect the selection of this employee by the Democratic caucus or by the committee on patronage appointed by the Democratic caucus. This is only a method, so far as the House is concerned. The patronage committee of the Democratic caucus is not a committee recognized by the House itself. For instance, we provide in this bill for offices under the Doorkeeper. The Doorkeeper makes the appointments as far as the House is concerned. The Postmaster makes his appointments so far as the House is concerned, as does the Clerk of the House and the Sergeant at Arms; but the Democratic patronage committee, as far as those officials are concerned, selects for them the officials, and that committee can do the same thing about this. This provision would not affect that at all if the caucus desires it to be included in the appointments to be made by the patronage committee.

Mr. FITZGERALD. The gentleman is mistaken about this.



Mr. FOWLER. I do not so understand it. If we make an exception in one case, you then lay down the bars and make an exception all along the line.

Mr. GARRETT. Will the gentleman permit?

Mr. FOWLER. Certainly.

Mr. GARRETT. I call the attention of the gentleman from Illinois to the fact that the rules of the House provide that these various officials under the Sergeant at Arms, the Clerk, the Doorkeeper, the Postmaster, shall be appointed by those respective officers, and theoretically they are so appointed. The method by which they are chosen now is an unofficial method, with no regular or appointing force as far as the law is concerned or as far as the rules of the House are concerned.

Mr. FITZGERALD. Unless the appointment of these officials is vested in some one, if a vacancy occur no one has authority to place his successor on the pay roll, so as to get any money, unless the Committee on Accounts reports a resolution.

Mr. FOWLER. Mr. Chairman, if these two messengers are to be appointed in a different way from that which was adopted by the majority of the House at the beginning of this Congress, then I repeat that you might just as well do away with the committee which was appointed to distribute the patronage in this House.

Mr. MANN. I can assure my colleague there is no such intention on my part, and I do not think the amendment offered by the gentleman from South Carolina would affect the patronage committee at all.

Mr. FOWLER. I am not complaining at anyone for offering such a resolution. I am only complaining because of the fact that in my opinion such a precedent as contemplated by this amendment might become an entering wedge to destroy our method of selecting the patronage by a committee instead of leaving it to the Speaker.

Mr. MANN. Unless I am misinformed about it, the chairmen of some of the committees who had patronage thought the committee did not share in the other patronage in the House. Now, the bill specifically provides that the chairman shall appoint certain clerks and janitors. It is very easy for the Democratic caucus to provide that these messengers, if appointed, shall be charged to the Democratic whip as part of the patronage of the Democratic side of the House.

Mr. FOWLER. Then, if that is true, might not all the patronage of the House be taken away from the committee on patronage by virtue of bills passed by the House?

Mr. MANN. I do not think so. I do not think it has anything to do with that. The reason I put in this provision is that without it there is no authority for anybody to appoint these messengers. Heretofore we named them specifically, but nobody wants to name now the messengers for the whips, because no one knows who the whips will be until the new caucus meets. Without that there is no provision for anybody to appoint them.

Mr. FOWLER. Why not provide for the place and leave the appointing of these messengers to the future Congress, the Sixty-third?

Mr. MANN. Well, that requires the preparation of an additional resolution, and so forth, brought before the House, and is a minutia matter. The Democratic caucus can control the question when you settle in the next House, as you will have to, the question of patronage, and consider this as part of the patronage of the House as they consider every other place, and taking into consideration all the other places, they take that into consideration.

Mr. FOWLER. I concede that the House might continue these two servants in the House, but I do not concede that we ought to pass a law here prohibiting the majority of the House from adopting a method of selecting employees of the House as was fixed at the beginning of the Sixty-second Congress.

Mr. MANN. My colleague will recall, of course, that was done by the Democratic caucus; that is, in the caucus you arranged and appointed a patronage committee.

The CHAIRMAN. The time of the gentleman from Illinois has expired. The question is on the adoption of the amendment offered by the gentleman from South Carolina.

The question was taken, and the amendment was agreed to.

Mr. FOWLER. Mr. Chairman, what became of my point of order?

The CHAIRMAN. The Chair did not recall the gentleman made one.

Mr. FOWLER. Mr. Chairman, I desire to withdraw the point of order to relieve the situation.

Mr. GARRETT. Mr. Chairman, I move to strike out the last word.

Referring to the matter concerning which I offered or proposed to offer an amendment a few moments ago, I wish to say

just a few words. I stated when I proposed the amendment that I was under the impression that the law provides that where a vacancy occurred that the person elected to fill that vacancy drew the salary of a Member from the time that the salary of his predecessor ceased. The gentleman from New York [Mr. FITZGERALD] was under the impression that it was not a provision of law, but was simply a custom, and, not being sure of my own ground at the time, I readily accepted the statement of the gentleman from New York. But I have since examined it, and, as a matter of interest here, I will say that section 51 of the Revised Statutes makes this provision:

Whenever a vacancy occurs in either House of Congress, by death or otherwise of any Member or Delegate elected or appointed thereto, after the commencement of Congress to which he has been elected or appointed, the person elected or appointed to fill it shall be compensated and paid from the time that the compensation of his predecessor ceased.

So it seems unquestionably, Mr. Chairman, that there is a statute providing for it. But the statute is wrong in principle. It is not based on any equity or any policy of right, and I hope to prepare an amendment—

Mr. JOHNSON of South Carolina. What is the date of the original enactment?

Mr. GARRETT. The date of the enactment is July 16, 1862.

Now, there has been a case upon which there was a report in the Fifty-ninth Congress, what is known as the Pollard case, in which the Committee on the Judiciary dealt with the question. That committee held that Representative Pollard was not entitled to the salary; but that occurred in this way: Mr. Burkett, who was a Member of the Fifty-eighth Congress, was reelected to the Fifty-ninth Congress, but before the expiration of the Fifty-eighth Congress he was elected to the Senate, and prior to March 4, 1905, when his term in the Fifty-eighth Congress expired, he resigned, the resignation to take effect on the 4th of March.

Mr. Pollard was elected at a special election to succeed him, and when he became a Member of the House in the Fifty-ninth Congress, some months later, the Sergeant at Arms paid to him—and he was, I suppose, of the opinion that under the law he was entitled to receive it—some \$1,800. Becoming convinced later that he was not entitled to receive it, he sought to repay it, and a bill was introduced to authorize the Secretary of the Treasury to accept it. The matter was referred to the Committee on the Judiciary of the House, and upon investigation they reported that under the peculiar circumstances of that case no vacancy really occurred in the Fifty-ninth Congress by reason of the resignation of Mr. Burkett, and that consequently this statute did not apply. That is one case of which I know that has been passed on by a committee of the House. I repeat that this statute is not right.

Mr. BARTLETT. The gentleman from Tennessee will recall that the Committee on Ways and Means, to which was referred a bill authorizing the Secretary of the Treasury to accept the money and pay it into the Treasury, made a report that he was entitled to it.

Mr. GARRETT. Yes; I think the gentleman is right about that. But to return, there is not equity in that statute. I hope before this bill is finally passed upon to prepare an amendment and prevail upon my friend from South Carolina [Mr. JOHNSON] to return to the paragraph. I withdraw the pro forma amendment.

Mr. MANN. There was nothing before the House before, but I hope the gentleman from South Carolina will now bring before the committee a motion to rise.

Mr. JOHNSON of South Carolina. Mr. Chairman, in view of the lateness of the hour, I move that the committee do now rise. The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. GARNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 26680—the legislative, executive, and judicial appropriation bill—and had come to no resolution thereon.

#### CHANGE OF REFERENCE.

By unanimous consent, reference heretofore made of House Documents Nos. 1029, 1040, 1042, and Senate Document No. 959 was vacated, and the said documents referred to the committee on Appropriations.

#### ADJOURNMENT.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 30 minutes p. m.) the House adjourned until Friday, December 6, 1912, at 12 o'clock noon.



## EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting his annual report on the state of the finances for the fiscal year ended June 30, 1912 (H. Doc. No. 928); to the Committee on Ways and Means and ordered to be printed.

2. A letter from the Attorney General of the United States, transmitting to Congress his annual report (H. Doc. No. 930); to the Committee on the Judiciary and ordered to be printed.

3. A letter from the Secretary of the Interior, transmitting a statement of the fiscal affairs of Indian tribes for the fiscal year ended June 30, 1912 (H. Doc. No. 1049); to the Committee on Indian Affairs and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting a statement of the proceeds of all sales of old material, condemned stores, supplies, and other public property for the fiscal year ended June 30, 1912 (H. Doc. No. 1048); to the Committee on Ways and Means and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting a statement prepared by the Secretary of Agriculture showing the number of persons employed in meat inspection, the amount paid each, etc., for the fiscal year ended June 30, 1912 (H. Doc. No. 1050); to the Committee on Agriculture and ordered to be printed.

6. A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State submitting an estimate of appropriation to continue efforts to mitigate the opium, morphine, and other allied drug evils (H. Doc. No. 1043); to the Committee on Appropriations and ordered to be printed.

7. A letter from the Secretary of the Interior, transmitting a report of the Maritime Canal Co. of Nicaragua, in accordance with section 6 of the act of Congress approved February 20, 1889 (H. Doc. No. 1044); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

8. A letter from the Secretary of the Treasury, transmitting communications from the Assistant Secretary of War submitting statements of all moneys arising from the proceeds of sales of public property for the fiscal year ended June 30, 1912 (H. Doc. No. 1045); to the Committee on Military Affairs and ordered to be printed.

9. A letter from the commissioner of the Freedman's Savings & Trust Co., submitting his annual report for the year ended December 1, 1912, as required by act of February 21, 1912 (H. Doc. No. 1046); to the Committee on the District of Columbia and ordered to be printed.

10. A letter from the Secretary of the Treasury, transmitting a communication from the Secretary of the Interior submitting an estimate of appropriation for collection of statistics concerning accidents in the mining industry (H. Doc. No. 1047); to the Committee on Appropriations and ordered to be printed.

11. A letter from the president of the Board of Managers of the National Home for Disabled Volunteer Soldiers, submitting a report of the board for the fiscal year ended June 30, 1912 (H. Doc. No. 1009); to the Committee on Military Affairs and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. PETERS, from the Committee on Ways and Means, to which was referred to bill (H. R. 4434) to provide an allowance for loss of distilled spirits deposited in internal-revenue warehouses, reported the same with amendment, accompanied by a report (No. 1263), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RAKER: A bill (H. R. 26726) making an appropriation for continuation of post-office building at Grass Valley under the present limit, and for other purposes; to the Committee on Appropriations.

Also, a bill (H. R. 26727) making an appropriation for continuing improvement and for maintenance of the Mokelumne River, Cal.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 26728) making an appropriation for the deepening and widening of the channel and for snagging and wing-dam construction for the improvement of the Sacramento River from Sacramento to Red Bluff, Cal.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 26729) appropriating money for the continuing improvement of harbor at the entrance to Humboldt Bay, Cal.; to the Committee on Appropriations.

Also, a bill (H. R. 26730) making an appropriation for improving the Sacramento and Feather Rivers, Cal., continuing improvement, and for maintenance, including improvement above Sacramento to Red Bluff; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 26731) making an appropriation for investigating the food habits of North American birds and mammals in relation to agriculture, horticulture, and forestry, including experiments and demonstrations in destroying noxious animals, and for investigations and experiments in connection with rearing of fur-bearing animals, including mink and marten, and for use in the destruction of ground squirrels on the national forests in California; to the Committee on Agriculture.

Also, a bill (H. R. 26732) authorizing and directing the Secretary of War to cause a preliminary examination and survey to be made of the inner channels of Humboldt Bay, Cal., and for other purposes; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 26733) appropriating money for the maintenance of the improvement of the channel in front of Eureka, in Humboldt Bay, Cal.; to the Committee on Rivers and Harbors.

By Mr. PETERS: A bill (H. R. 26734) to provide for a survey for the construction of a continuous waterway from Boston, Mass., to the coast of Maine; to the Committee on Rivers and Harbors.

By Mr. LINTHICUM: A bill (H. R. 26735) to provide for an examination and survey of Patapsco River and the Chesapeake Bay and channel to Baltimore with a view to increasing the depth of the channel leading from Baltimore to the sea to a depth of 40 feet; to the Committee on Rivers and Harbors.

By Mr. CLAYPOOL: A bill (H. R. 26736) to authorize the construction of a public building at Logan, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. RAKER: A bill (H. R. 26737) to amend an act approved October 1, 1890, entitled "An act to set apart certain tracts of land in the State of California as forest reservations"; to the Committee on the Public Lands.

By Mr. FOSTER: A bill (H. R. 26738) to increase the limit of cost for the post-office building heretofore authorized at Mount Vernon, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. RODENBERG: A bill (H. R. 26739) to enlarge the authority of the Mississippi River Commission in making allotments and expenditures of funds appropriated by Congress for the improvement of the Mississippi River; to the Committee on Rivers and Harbors.

By Mr. WHITACRE: A bill (H. R. 26740) to increase the limit of cost of the Federal building heretofore authorized at Alliance, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. MCCOY: A bill (H. R. 26741) to provide for the purchase of a site for a public building in the city of Newark, in the State of New Jersey; to the Committee on Public Buildings and Grounds.

By Mr. MOORE of Pennsylvania: A bill (H. R. 26742) to provide a foundation and pedestal on ground belonging to the United States Government in the city of Washington upon which to place a memorial or statue to be furnished by the State of Pennsylvania of Maj. Gen. George Gordon Meade; to the Committee on the Library.

By Mr. HAY: A bill (H. R. 26743) for the purchase of a site and the erection of a public building in the town of Front Royal, Va.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 26744) to provide for the purchase of a site and the erection thereon of a public building at Luray, Va.; to the Committee on Public Buildings and Grounds.

By Mr. RODDENBERY: A bill (H. R. 26745) for the reduction of postage on first-class matter to 1 cent per ounce; to the Committee on the Post Office and Post Roads.

By Mr. KAHN: A bill (H. R. 26746) to amend an act entitled "An act to reincorporate and preserve all the corporate franchises and property rights of the de facto corporation known as the German Orphan Asylum Association of the District of Columbia," approved February 6, 1901; to the Committee on the District of Columbia.

By Mr. HEALD: A bill (H. R. 26747) to provide for a site and public building at Newark, Del.; to the Committee on Public Buildings and Grounds.

By Mr. EVANS: A bill (H. R. 26748) to grant relief to persons erroneously convicted in courts of the United States; to the Committee on the Judiciary.

By Mr. NORRIS: A bill (H. R. 26749) providing for publicity in taking evidence under act of July 2, 1890; to the Committee on the Judiciary.



By Mr. GUERNSEY: A bill (H. R. 26750) to authorize the Secretary of the Treasury to sell certain land to the trustees of the charity fund of Star in the East Lodge, of Old Town, Me.; to the Committee on Public Buildings and Grounds.

By Mr. CLINE (by request): A bill (H. R. 26751) granting pensions to volunteer Army nurses of the Civil War; to the Committee on Invalid Pensions.

By Mr. LEE of Georgia: A bill (H. R. 26752) to increase the limit of cost for the construction of the Federal building at Cartersville, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. POU: A bill (H. R. 26753) to increase the limit of cost of the public building at Rocky Mount, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. GILLETT: A bill (H. R. 26754) for the erection of a public building at Amherst, Mass.; to the Committee on Public Buildings and Grounds.

By Mr. RODDENBERRY: A bill (H. R. 26755) to provide for the purchase of a site and the erection of a public building thereon at Moultrie, in the State of Georgia; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 26756) to provide for the purchase of a site and the erection of a public building thereon at Dawson, in the State of Georgia; to the Committee on Public Buildings and Grounds.

By Mr. FITZGERALD: Joint resolution (H. J. Res. 365) to permit Col. William C. Gorgas and certain other officers of the Medical Corps and certain officers of the Engineer Corps of the Army to accept service under the Republic of Ecuador; to the Committee on Military Affairs.

By Mr. RIORDAN: Resolution (H. Res. 732) to provide for the printing and distribution of Washington's Farewell Address; to the Committee on Printing.

By Mr. SABATH: Resolution (H. Res. 733) directing the Secretary of War to submit to the House the latest survey of the Chicago River; to the Committee on Rivers and Harbors.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 26757) granting an increase of pension to Mary Thomas; to the Committee on Invalid Pensions.

By Mr. ALEXANDER: A bill (H. R. 26758) granting an increase of pension to John W. Warren; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26759) granting an increase of pension to Ephriam Clark; to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 26760) granting an increase of pension to Jacob Strunk; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 26761) granting a pension to Rachel A. Graham; to the Committee on Invalid Pensions.

By Mr. BROWNING: A bill (H. R. 26762) granting a pension to Harriet P. Hale; to the Committee on Invalid Pensions.

By Mr. BURKE of Wisconsin: A bill (H. R. 26763) granting an increase of pension to Thomas P. Wentworth; to the Committee on Invalid Pensions.

By Mr. COOPER: A bill (H. R. 26764) granting an increase of pension to Mary F. Deane; to the Committee on Invalid Pensions.

By Mr. CRAGO: A bill (H. R. 26765) granting a pension to Jennie McMurtie; to the Committee on Invalid Pensions.

By Mr. DAUGHERTY: A bill (H. R. 26766) granting a pension to Nicey A. Laderach; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26767) granting a pension to Almyra Vancil; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26768) granting an increase of pension to Elizabeth W. Wilcox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26769) granting an increase of pension to Emily A. Kennedy; to the Committee on Invalid Pensions.

By Mr. DAVIDSON: A bill (H. R. 26770) granting an increase of pension to Horatio D. Elliott; to the Committee on Invalid Pensions.

By Mr. GILL: A bill (H. R. 26771) for the relief of James Bartlett; to the Committee on Military Affairs.

Also, a bill (H. R. 26772) granting a pension to Helen Hascall Woodward; to the Committee on Pensions.

Also, a bill (H. R. 26773) to correct the military record of John Quinn; to the Committee on Military Affairs.

Also, a bill (H. R. 26774) granting an increase of pension to Charles G. Sanders; to the Committee on Invalid Pensions.

By Mr. GOEKE: A bill (H. R. 26775) granting a pension to Henry M. Agenbroad; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26776) granting an increase of pension to Levi Boysel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26777) granting an increase of pension to Maria E. Seib; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26778) granting an increase of pension to James Ligget; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26779) granting an increase of pension to Alexander Fleming; to the Committee on Invalid Pensions.

By Mr. HINDS: A bill (H. R. 26780) granting a pension to Charles H. Boyd; to the Committee on Invalid Pensions.

By Mr. HOLLAND: A bill (H. R. 26781) for the relief of Ida Banks; to the Committee on Claims.

By Mr. KAHN: A bill (H. R. 26782) granting an increase of pension to Dorothy E. Bacon; to the Committee on Invalid Pensions.

By Mr. LAWRENCE: A bill (H. R. 26783) granting an increase of pension to Mary M. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26784) granting an increase of pension to Simon Hoafmyre; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26785) granting an increase of pension to William H. Hinckley; to the Committee on Invalid Pensions.

By Mr. McKELLAR: A bill (H. R. 26786) for the relief of C. B. McKee, administrator de bonis non of John R. McKee; to the Committee on War Claims.

Also, a bill (H. R. 26787) for the relief of the Court Avenue Presbyterian Church, incorporated as the First Cumberland Presbyterian Church of Memphis, Tenn.; to the Committee on War Claims.

By Mr. MAHER: A bill (H. R. 26788) granting an increase of pension to Rosa T. Wallace; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26789) granting an increase of pension to Mary T. Hartigan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26790) granting an increase of pension to Frank T. Sickler; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 26791) granting a pension to Daniel M. Blevins; to the Committee on Pensions.

Also, a bill (H. R. 26792) granting a pension to David A. Patton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26793) granting a pension to Charlie Forbes; to the Committee on Pensions.

Also, a bill (H. R. 26794) granting an increase of pension to William Collins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26795) granting an increase of pension to John J. Wolfe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26796) granting an increase of pension to Samuel C. Robertson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26797) granting an increase of pension to Edward McClellan; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 26798) granting a pension to Mary Earle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26799) granting a pension to Anna M. Consaul; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26800) granting an increase of pension to John W. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26801) granting an increase of pension to Hilland Goodwin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26802) granting an increase of pension to Albert S. Bloomer; to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 26803) granting an increase of pension to Sterrett McClellan; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 26804) for the relief of Allen M. Hiller; to the Committee on Military Affairs.

By Mr. WHITACRE: A bill (H. R. 26805) granting a pension to Austin P. Walker; to the Committee on Invalid Pensions.

By Mr. YOUNG of Kansas: A bill (H. R. 26806) granting an increase of pension to Samuel Amich; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26807) granting an increase of pension to Sylvester Cary; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Petition of Eventide Council of the Daughters of America, of Coshocton, Ohio, favoring the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. BURKE of Wisconsin: Paper to accompany bill (H. R. 14192) granting a pension to Flora Tuscott; to the Committee on Pensions.



By Mr. FULLER: Petition of David Felmley, president of the Illinois State Normal University, favoring the passage of the vocational education bill (S. 3); to the Committee on Education.

Also, petition of A. H. Bliss, Chicago, Ill., favoring passage of House bill 2920, pensioning military telegraphers; to the Committee on Invalid Pensions.

By Mr. GILL: Petition of the American Federation of Labor, favoring enactment of legislation decreasing the tax on oleomargarine; to the Committee on Agriculture.

By Mr. HAMLIN: Papers to accompany bill (H. R. 1811) to grant a pension to Marion West; to the Committee on Invalid Pensions.

By Mr. HINDS: Memorial of Capt. Charles H. Boyd; to the Committee on Invalid Pensions.

By Mr. KAHN: Petition of John H. Robins, of San Francisco, Cal., favoring the passage of the Kenyon-Sheppard liquor bill, preventing shipment of liquor into "dry" territory; to the Committee on the Judiciary.

By Mr. KINKEAD of New Jersey: Petition of the Intercontinental Rubber Co., Jersey City, N. J., favoring the passage of House bill 26377, to establish a United States court of patent appeals; to the Committee on the Judiciary.

By Mr. LAWRENCE: Petition of merchants of Greenfield, Mass., favoring enactment of legislation giving the Interstate Commerce Commission further power toward controlling the express rates; to the Committee on Interstate and Foreign Commerce.

By Mr. LEE of Georgia: Papers to accompany bill (H. R. 26702) granting a pension to Stacy Ann Wacker; to the Committee on Invalid Pensions.

By Mr. LINDSAY: Petition of the Chamber of Commerce of the State of New York, protesting against the placing of the Board of General Appraisers under control of any department of the Government; to the Committee on Expenditures in the Treasury Department.

By Mr. NEEDHAM: Petition of dairymen of Texas, protesting against the passage of any legislation removing the tax on oleomargarine; to the Committee on Agriculture.

By Mr. OLMSTED: Petition of the Woman's Home Missionary Society of Carlisle Presbytery, favoring passage of a bill abolishing polygamy in the United States; to the Committee on the Judiciary.

By Mr. SLOAN: Petition of the Union Thanksgiving Services, Osceola, Nebr., favoring passage of an effective interstate liquor bill; to the Committee on the Judiciary.

By Mr. TILSON: Petition of the New Haven Chamber of Commerce, favoring passage of bill (H. R. 26277) creating a final court of patent appeals; to the Committee on the Judiciary.

By Mr. UNDERHILL: Petition of citizens of Seneca Falls, N. Y., favoring a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

## SENATE.

FRIDAY, December 6, 1912.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

ALBERT B. FALL, a Senator from the State of New Mexico; ASLE J. GRONNA, a Senator from the State of North Dakota; WILLIAM J. STONE, a Senator from the State of Missouri; and JOHN S. WILLIAMS, a Senator from the State of Mississippi, appeared in their seats to-day.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. BRANDEGEE and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

### DISPOSITION OF USELESS PAPERS.

The PRESIDENT pro tempore (Mr. BACON). The Chair lays before the Senate a communication from the Secretary of War transmitting, pursuant to law, reports of the chiefs of the several bureaus of the War Department, listing papers in their respective offices not needed or useful in the transaction of business and having no permanent value or historic interest and recommending the disposal of the same.

The communication will be referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Chair appoints as the committee on the part of the Senate the Senator from Arkansas [Mr. CLARKE] and the Senator from New Hampshire [Mr. BURNHAM].

The Secretary will notify the House of Representatives of the appointment of the committee on the part of the Senate.

### REPORT ON ORDNANCE AND FORTIFICATIONS.

The PRESIDENT pro tempore laid before the Senate the Twenty-second Annual Report of the Board of Ordnance and Fortifications for the fiscal year ended June 30, 1912, which was referred to the Committee on Military Affairs and ordered to be printed.

SPRINGFIELD ARMY AND ROCK ISLAND ARSENAL (H. DOC. NO. 1065).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, pursuant to law, statements of the expenditures, etc., of the Springfield Armory, Mass., and at the Rock Island Arsenal, Ill., for the fiscal year ended June 30, 1912, which, with the accompanying paper, was referred to the Committee on Military Affairs and ordered to be printed.

CHARLES J. ALLEN V. UNITED STATES (S. DOC. NO. 969).

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion filed by the court in the cause of Charles J. Allen v. United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a bill (H. R. 22593) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, by providing for physical valuation of the property of carriers subject thereto and securing information concerning their stocks and bonds and boards of directors, in which it requested the concurrence of the Senate.

### PETITIONS AND MEMORIALS.

Mr. McCUMBER presented petitions of sundry citizens of Inkster and Valley City, in the State of North Dakota, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were ordered to lie on the table.

Mr. ASHURST presented a petition of members of the Arizona Mission of the Methodist Episcopal Church of Bisbee, Ariz., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was ordered to lie on the table.

Mr. BROWN presented resolutions adopted by the Chamber of Commerce of North Platte, Nebr., favoring the enactment of legislation providing for the establishment of agricultural extension departments in connection with the agricultural colleges in the several States, which were referred to the Committee on Agriculture and Forestry.

Mr. RICHARDSON presented a resolution adopted at the Christian Endeavor Convention held at Laurel, Del., favoring the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was ordered to lie on the table.

### BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 7618) granting an increase of pension to John Miller (with accompanying papers); to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 7619) for the relief of Laetitia M. Robbins (with accompanying papers); to the Committee on Claims.

By Mr. MARTINE of New Jersey (for Mr. BRIGGS):

A bill (S. 7620) for the relief of Ernest C. Stahl; to the Committee on Military Affairs.

By Mr. MARTIN of Virginia:

A bill (S. 7621) for the relief of James C. Hilton; to the Committee on Naval Affairs.

By Mr. OVERMAN:

A bill (S. 7622) for the relief of Stanley Mitchell (with accompanying paper); to the Committee on Naval Affairs.

By Mr. TOWNSEND:

A bill (S. 7623) granting an increase of pension to Henry W. Bradley (with accompanying paper); and

A bill (S. 7624) granting an increase of pension to Royal H. Stevens (with accompanying paper); to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 7625) for the relief of certain members of the Five Civilized Tribes in Oklahoma; to the Committee on Indian Affairs.